

LOUISIANA WILDLIFE AND FISHERIES COMMISSION

MINUTES

JANUARY 8, 2004

BILL A. BUSBICE, JR.  
CHAIRMAN

BATON ROUGE, LOUISIANA

The following constitute minutes of the Commission Meeting  
and are not a verbatim transcript of the proceedings.

Tapes of the meetings are kept at the  
Louisiana Department of Wildlife and Fisheries  
2000 Quail Drive

Baton Rouge, Louisiana 70808

For more information, call (225) 765-2806

AGENDA  
LOUISIANA WILDLIFE AND FISHERIES COMMISSION  
BATON ROUGE, LOUISIANA  
JANUARY 8, 2004

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MINUTES OF THE MEETING

OF

LOUISIANA WILDLIFE AND FISHERIES COMMISSION

Thursday, January 8, 2004

Chairman Bill Busbice, Jr. presiding.

Billy Broussard  
Terry Denmon  
Lee Felterman  
Henry Mouton  
Wayne Sagrera

Secretary James H. Jenkins, Jr. was also present.

Commissioner Jerry Stone was absent from the meeting.

Chairman Busbice called for a motion for approval of the **December 4, 2003 Commission Minutes**. A motion for approval was made by Commissioner Sagrera and seconded by Commissioner Denmon. The motion passed with no opposition.

Under **Commission Special Announcements** for this month, Chairman Busbice introduced the new Commissioner, Mr. Billy Broussard, from Pecan Island and welcomed him to the team. He then noted there would be a lot of responsibilities to the State to be handled.

The **Monthly Law Enforcement Report for December** was given by Major Keith LaCaze. The following numbers were issued during December.

Region I - Minden - 98 citations and 9 warnings.

Region II - Monroe - 71 citations, 3 warnings and 6 public assists.

Region III - Alexandria - 162 citations, 1 warning and 2 public assists.

Region IV - Ferriday - 122 citations, 6 warnings and 5 public assists.

Region V - Lake Charles - 165 citations and 4 public assists.

Region VI - Opelousas - 213 citations and 9 warnings.

Region VII - Baton Rouge - 177 citations, 4 warnings and 5 public assists.

Region VIII - New Orleans - 255 citations, 7 warnings and 6 public assists.

Region IX - Schriever - 122 citations, 30 warnings and 4 public assists.

Oyster Strike Force - 20 citations and 8 warnings.

Seafood Investigation Unit - 37 citations.

SWEP - 18 citations.

Refuge Patrol - 29 citations.

The grand total of citations issued statewide for the month of December was 1,385. Also 69 warning citations were issued and agents helped in 32 public assist cases.

The aviation report for December 2003 showed enforcement pilots flew three airplanes a total of 42.2 hours for enforcement and 42.7 hours for other divisions. No citations were issued.

Then Major LaCaze stated enforcement activity during the month centered around night hunting. This year night hunting has increased over what occurred the last two years. Chairman Busbice felt night hunting was the most dangerous complaint for an agent to check. He then added he would work with the Legislature for mandatory jail time for those violators. Another reason night hunting is dangerous was the possibility of violators using drugs. Chairman Busbice then asked for help from the other Commissioners as well as anyone else in getting jail time. Commissioner Mouton felt Chairman Busbice should write a letter to the District Attorneys prosecuting the night hunting cases and ask for vigorous prosecution. Chairman Busbice stated he sees a movement within the State of judges being less tolerant with these type violations. Major LaCaze noted that when judges hand down good prosecution and sentencing on cases, News Releases are published to let them know their efforts are noted. Another News Release referenced a Richland Parish man being arrested for obstruction of justice in a wildlife case.

Chairman Busbice then introduced several former Commission Members attending the meeting, Mr. Jeff Schneider, Mr. Bert Jones, Mr. Norman McCall and Mr. Tom Gattle.

**Notice of Intent - Spotted Seatrout Regulations - Recreational Size and Bag Limit** began with Mr. Randy Pausina stating the Commission requested a Notice of Intent be presented. He then read

the new language from the Notice of Intent. Commissioner Mouton stated at the last meeting, an Emergency Rule was adopted to cover spotted seatrout on Big Lake. This action was a Notice of Intent to cover that regulation on a statewide basis as per Commissioner Stone's request. Chairman Busbice asked for public comments.

Mr. Terry St. Cyr, a.k.a. Mr. Official, stated he does strictly sportfishing and the limit of 5 fish over 25 inches was a great number. He then asked if this regulation was for the recreationals, will the commercial fishermen be restricted to this regulation also? Mr. St. Cyr thanked the Commission for not making the limit 1 or 2, but stated again 5 was an acceptable number for the sportfishermen.

Mr. Jeff Angers, Executive Director of Coastal Conservation Association, stated this discussion began with members of CCA that use the Calcasieu and Sabine Lakes. These fishermen requested the Commission impose a 1 fish limit for that area. However, the Notice of Intent does not resemble what was initially discussed. Mr. Angers then stated CCA does not have the unanimity of support for a statewide regulation. Commissioner Denmon asked Mr. Angers what was the problem with what was presented? Mr. Angers stated the different Chapters of CCA pushed for a change in that one particular area and they do not recognize there is a similar problem statewide. He then noted there were members of CCA that would support the regulation, but CCA does not have a position to be in support of a statewide rule. Commissioner Sagrera asked how would this regulation be enforced with the commercial fishermen? Mr. Angers stated a fish taken with a commercial license should be treated differently from one taken with a recreational license. Chairman Busbice asked Mr. Angers if the proposed rule was a step in the right direction CCA wanted for the Calcasieu area? Mr. Angers felt the Declaration of Emergency passed at the last meeting addressed the problem of both residents and non-residents taking stringers full of big trout. He then added that the proposal is one step closer toward having good conservation in that area. Again he noted, they have not gotten the push from the members to note there was a statewide problem. Chairman Busbice asked if there has been opposition from other parts of the state on the 5 fish limit? Mr. Angers stated there are lots of different opinions out there, but felt it was a step in the right direction. Commissioner Denmon commented the Declaration of Emergency was adopted to immediately help with the problem until an open discussion could be held. He then stated, that if there was not a problem somewhere else, why would the members care whether the action was taken or not? Mr. Angers stated the concentration of anglers targeting big fish was in the Big Lake area. Commissioner Sagrera stated the Notice of Intent reads a 5 fish limit statewide. Mr. Angers again stated CCA's position is they support the move of 5 fish in the Calcasieu-Sabine Estuary system and not statewide. He then asked if the Notice of Intent could be amended to read the same as the Declaration of Emergency. Mr. Don Puckett stated the

Notice of Intent can be amended prior to submission to the Legislative Oversight Committees which was approximately 45 days. Chairman Busbice felt the Commission would want to hear more public comments. He felt the Commission would try to get to something. Chairman Busbice asked if tournaments are prevalent on the Big Lake area? Mr. Angers answered yes. Mr. Puckett stated the 45 day window applied to promulgating a proposal within the minimum time, but added there was a one year timeframe from the Notice of Intent to ratify a rule. Mr. Angers then asked the Commission to amend the Notice of Intent to take care of the problem area and then continue with public comment for the statewide regulation? Commissioner Mouton made a motion for the Notice of Intent be modified to have a 5 fish limit for the Big Lake Area which would be the same as the Declaration of Emergency. Chairman Busbice asked Enforcement if there was a description for Big Lake that can be utilized? Lt. Col. Charlie Clark stated the Declaration of Emergency already denoted those boundaries. Commissioner Broussard seconded the motion. Chairman Busbice then asked for additional public comments and none were heard. The motion passed with opposition from Commissioner Felterman and Commissioner Denmon.

(The full text of the Notice of Intent is made a part of the record.)

#### NOTICE OF INTENT

##### Department of Wildlife and Fisheries Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission does hereby give notice of its intent to amend a Rule, LAC 76:VII.341, modifying the existing rule. Authority for adoption of this Rule is included in R.S. 56:6(25)(a) and 56:325.1(A)2 and (B). Said Rule is attached to and made a part of this Notice of Intent.

#### Title 76

#### WILDLIFE AND FISHERIES

#### Part VII. Fish and Other Aquatic Life

#### Chapter 3. Saltwater Sport and Commercial Fishery

#### §341. Spotted Seatrout Management Measures

\* \* \*

E. Recreational Regulations. Except as provided in R.S. 56:325.1, within those areas of the state, including coastal territorial waters, south of Interstate 10 from its junction at the Texas-Louisiana boundary eastward to its junction with Louisiana Highway 171, south to Highway 14, and then south to Holmwood, and

then south on Highway 27 through Gibbstown south to Louisiana Highway 82 at Creole and south on Highway 82 to Oak Grove, and then due south to the western shore of the Mermentau River, following this shoreline south to the junction with the Gulf of Mexico, and then due south to the limit of the state territorial sea, no person shall possess, regardless of where taken, more than five (5) spotted seatrout exceeding twenty-five inches (25") total length. The spotted seatrout exceeding twenty-five inches (25") in length shall be considered as part of the daily recreational bag limit and possession limit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(25)(a); R.S. 56:306.5, R.S. 56:306.6, R.S. 56:325.3; R.S. 56:326.3; 56:325.1(A) 2 and (B).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 18:199 (February 1992), amended LR 22:238 (March 1996), LR 24:360 (February 1998), LR 26:2333 (October 2000), LR 30: .

Interested persons may submit comments relative to the proposed Rule to: Randy Pausina, Marine Fisheries Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000, prior to Thursday, March 4, 2004.

The Secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this notice of intent and the final rule, including but not limited to, the filing of the fiscal and economic impact statements, the filing of the notice of intent and final rule and the preparation of reports and correspondence to other agencies of government.

In accordance with Act #1183 of 1999, the Department of Wildlife and Fisheries/Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection with the preceding Notice of Intent: This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

Bill A. Busbice, Jr.  
Chairman

Chairman Busbice acknowledged Representative William Daniel and asked if he would like to make any comments. Representative Daniel stated this would be Secretary Jenkins' last meeting and having served on the Natural Resources Committee, he knew there were not a lot of thanks in serving the public. He then thanked Secretary Jenkins on behalf of the Legislature for the job he did as Secretary of the Department. Representative Daniel then noted there has been 8 years of great progress in communications and relationships which translated into great progress in policy. He then hoped that when Secretary Jenkins was a private citizen, they could enjoy fishing together.



Mr. Bert Jones began stating gifts from afar were brought for Secretary Jenkins. He explained that he served 4 or 5 years on the Commission with the Secretary and recognized the job that has been done. Since Secretary Jenkins would be entering a new phase in his life, there would be more time to hunt and fish. Mr. Jones then announced the Secretary would be a charter member and Chairman of CU or Crows Unlimited. Then he stated that the new administration may want Secretary Jenkins to serve as the Department's legislative liaison, but first he would need to enroll in the Dale Carnegie's School of Legislative Relations. But in all sincerity, Mr. Jones felt Secretary Jenkins exemplified what a statesman was--someone that was willing to give up personal sacrifices and make sacrifices for the State, its resources for its greatest good. He concluded thanking Secretary Jenkins for all the conservation work that has been done which would benefit future generations.

Mr. Tom Gattle stated his 6 years of service on the Commission fell within Secretary Jenkins' 8 years. During that time, Mr. Gattle stated there were never any dull moments and that he learned a lot from the Secretary. Things he learned included the difference between a snow goose and speckledbelly goose; the true definition of knucklehead; and what not to say when the microphone is open when testifying before a Legislative Committee. But Mr. Gattle stated, the most important thing learned from Secretary Jenkins was the courage it takes to stand up for something that you truly believe in no matter the consequences or personal repercussions. He also commented that Secretary Jenkins exemplifies the term "do the right thing" and respected him for it. Mr. Gattle then thanked the Secretary for what he has done for himself, the Department, the Commission and the people of Louisiana. Chairman Busbice expressed appreciation for the comments and agreed with them all.

**Declaration of Emergency - Red Snapper Recreational Season** was handled by Mr. Randy Pausina. The recreational fishing season for red snapper in Louisiana will open at 12:01 a.m., April 21, 2004 and will remain open until midnight, October 31, 2004 to coincide with dates in Federal waters. Size limits for recreational fishermen will be 16 inches minimum total length with a daily bag and possession limit of 4 fish per person. The recreational quota for red snapper is 4.47 million pounds for the Gulf of Mexico. Mr. Pausina then read the Therefore Be It Resolved portion of the Resolution. Hearing no public comments, Commissioner Sagrera made a motion to adopt the Resolution. Commissioner Felterman seconded the motion and it passed with no opposition.

(The full text of the Resolution and Declaration of Emergency are made a part of the record.)

#### RESOLUTION

## 2004 RECREATIONAL RED SNAPPER SEASON

January 8, 2004

- WHEREAS, the red snapper fishery in the Gulf of Mexico off the coast of Louisiana is cooperatively managed by the Louisiana Department of Wildlife and Fisheries (LDWF), the Wildlife and Fisheries Commission (LWFC) and the National Marine Fisheries Service (NMFS) with advice from the Gulf of Mexico Fishery Management Council (Gulf Council), and
- WHEREAS, regulations promulgated by NMFS are applicable in waters of the Exclusive Economic Zone (EEZ) of the U.S., which in Louisiana is generally three miles offshore, and
- WHEREAS, NMFS has put into place a regulatory amendment under the framework procedure of the reef fish fishery management plan that establishes a recreational red snapper quota equal to the recreational allocation, and authorizes the closure of the fishery for the remainder of the fishing year (= calendar year) in Federal waters of the Gulf of Mexico when the quota is reached or is projected to be reached, and
- WHEREAS, the Gulf Council recommended to NMFS that the 2004 recreational quota for red snapper in the Gulf of Mexico be set at 4.47 million pounds, and
- WHEREAS, NMFS has closed the recreational fishing season for red snapper effective midnight October 31, 2003 until April 21, 2004 by reducing the bag limit to zero in the EEZ off of Louisiana for that time period, and
- WHEREAS, the Wildlife and Fisheries Commission has enacted a closure in Louisiana state waters consistent with the EEZ closure which is preferable as it assists in enforcement of fishery rules, and
- WHEREAS, in order to enact regulations in a timely manner so as to have compatible regulations in place in Louisiana waters for the 2004 recreational red snapper season, it is necessary that emergency rules be enacted, and
- WHEREAS, R.S. 49:953(B) and R.S. 49:967 allow the Wildlife and Fisheries Commission to use emergency procedures to set finfish seasons, and
- WHEREAS, R.S. 56:326.3 provides that the Wildlife and Fisheries Commission may set seasons for saltwater finfish,

THEREFORE BE IT RESOLVED, that the Wildlife and Fisheries Commission hereby establishes the 2004 season for the recreational harvest of red snapper in Louisiana state waters, and

BE IT FURTHER RESOLVED, that all applicable rules regarding red snapper harvest including size, daily take, and possession limits, established by the Commission shall be in effect during the open season hereby established, and

BE IT FURTHER RESOLVED, that the secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this Declaration of Emergency, and

BE IT FURTHER RESOLVED, that a Declaration of Emergency setting the 2004 recreational red snapper season in Louisiana state waters is attached to and made part of this resolution.

Bill A. Busbice, Jr., Chairman  
Wildlife and Fisheries  
Commission

James H. Jenkins, Jr., Secretary  
Department of Wildlife and  
Fisheries

#### DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission

#### 2004 Recreational Red Snapper Season

The red snapper fishery in the Gulf of Mexico is cooperatively managed by the Louisiana Department of Wildlife and Fisheries (LDWF), the Wildlife and Fisheries Commission (LWFC) and the National Marine Fisheries Service (NMFS) with advice from the Gulf of Mexico Fishery Management Council (Gulf Council). Regulations promulgated by NMFS are applicable in waters of the Exclusive Economic Zone (EEZ) of the U.S., which in Louisiana is generally three miles offshore. Rules were established by NMFS to close recreational harvest season in the EEZ off of Louisiana effective midnight October 31, 2003 until 12:01 a.m., April 21, 2004 by reducing the bag limit to zero, and NMFS requested that consistent regulations be established in Louisiana waters. NMFS typically requests consistent regulations in order to enhance the effectiveness and enforceability of regulations for EEZ waters.

In order to enact regulations in a timely manner so as to have compatible regulations in place in Louisiana waters for the 2004 recreational red snapper season, it is necessary that emergency rules be enacted.

In accordance with the emergency provisions of R.S. 49:953(B), the Administrative Procedure Act, R.S. 49:967 which allows the Wildlife and Fisheries Commission to use emergency procedures to set finfish seasons, and R.S. 56:326.3 which provides that the Wildlife and Fisheries Commission may set seasons for saltwater finfish; the Wildlife and Fisheries Commission hereby sets the following seasons for recreational harvest of red snapper in Louisiana state waters:

The season for the recreational fishery for red snapper in Louisiana state waters will remain closed until 12:01 a.m., April 21, 2004 by reducing the bag limit to zero for that time period. The season will open at 12:01 a.m., April 21, 2004 and continue until midnight October 31, 2004.

The Wildlife and Fisheries Commission authorizes the Secretary of the Department of Wildlife and Fisheries to close the recreational red snapper season when he is informed by the Regional Administrator of the National Marine Fisheries Service that the recreational red snapper quota for the Gulf of Mexico has been filled, or is projected to be filled.

The Commission also hereby authorizes the Secretary to modify the opening and closing of State dates if he is notified that the opening and closing of Federal dates are other than those specified in this declaration of emergency and to open an additional recreational red snapper season in Louisiana state waters if he is later informed that NMFS has opened an additional recreational season and to close such season when he is informed that the recreational red snapper quota for the Gulf of Mexico has been filled, or is projected to be filled.

Effective with the recreational red snapper season closure, any person, except those who possess a Class 1 or Class 2 commercial red snapper license issued by the National Marine Fisheries Service under the Federal Fishery Management Plan for the Gulf of Mexico Reef Fish and who are legally taking red snapper during an open commercial season, shall not possess any red snapper whether taken from within or without Louisiana territorial waters.

Bill A. Busbice, Jr.  
Chairman

Then Mr. Randy Pausina presented a **Declaration of Emergency - Red Snapper Commercial Season**. He stated the commercial red snapper season was broken into two seasons. The first season would open at 12 noon, February 1, 2004 and remain open until 12 noon, February 10. This would continue each month until 2/3 of the 2004 commercial quota, 3.1 million pounds, was harvested. The second season for commercial red snapper will open at 12 noon, October 1, 2004 and will close at 12 noon, October 10, 2004. This pattern

will also continue each month until the remaining 2004 quota was harvested. The minimum size limit for commercially harvested red snapper is 15 inches total length. Mr. Pausina read the Therefore Be It Resolved portion of the Resolution. Chairman Busbice asked for public comments and none were heard. Commissioner Mouton made a motion to accept the Resolution and it was seconded by Commissioner Sagrera. The motion passed unanimously.

(The full text of the Resolution and Declaration of Emergency are made a part of the record.)

#### RESOLUTION

#### 2004 COMMERCIAL RED SNAPPER SEASONS

January 8, 2004

- WHEREAS, the red snapper fishery in the Gulf of Mexico off the coast of Louisiana is cooperatively managed by the Louisiana Department of Wildlife and Fisheries (LDWF) and the National Marine Fisheries Service (NMFS) with advice from the Gulf of Mexico Fishery Management Council (Gulf Council), and
- WHEREAS, regulations promulgated by NMFS are applicable in waters of the Exclusive Economic Zone (EEZ) of the U.S., generally three miles offshore, and
- WHEREAS, rules will be established by NMFS, to provide for commercial harvest seasons for red snapper in the EEZ off of Louisiana, and
- WHEREAS, the Department of Wildlife and Fisheries receives notice from the Gulf Council and NMFS requesting consistent regulations in Louisiana state waters which are preferable as they assist in enforcement of fishery rules, and
- WHEREAS, in order to enact regulations in a timely manner so as to have compatible regulations in place in Louisiana waters for the 2004 commercial red snapper season, it is necessary that emergency rules be enacted, and
- WHEREAS, R.S. 49:953(B) and R.S. 49:967 allow the Wildlife and Fisheries Commission to use emergency procedures to set finfish seasons, and
- WHEREAS, R.S. 56:326.3 provides that the Wildlife and Fisheries Commission may set seasons for saltwater finfish,

THEREFORE BE IT RESOLVED, that the Wildlife and Fisheries Commission hereby establishes the 2004 seasons for commercial harvest of red snapper in Louisiana state waters, and

BE IT FURTHER RESOLVED, that all applicable rules regarding red snapper harvest including trip limits, permit requirements, and size limits, established by the Commission shall be in effect during the open seasons hereby established, and

BE IT FURTHER RESOLVED, that the secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this Declaration of Emergency, and

BE IT FURTHER RESOLVED, that a Declaration of Emergency setting the 2004 commercial red snapper season in Louisiana state waters is attached to and made part of this resolution.

Bill A. Busbice, Jr., Chairman  
Wildlife and Fisheries  
Commission

James H. Jenkins, Jr., Secretary  
Department of Wildlife and  
Fisheries

#### DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission

#### 2004 Commercial Red Snapper Seasons

The red snapper fishery in the Gulf of Mexico is cooperatively managed by the Louisiana Department of Wildlife and Fisheries (LDWF) and the National Marine Fisheries Services (NMFS) with advice from the Gulf of Mexico Fishery Management Council (Gulf Council). Regulations promulgated by NMFS are applicable in waters of the Exclusive Economic Zone (EEZ) of the U.S., generally three miles offshore. NMFS will provide rules for commercial harvest seasons for red snapper in the EEZ off of Louisiana. NMFS and the Gulf Council typically request consistent regulations in order to enhance the effectiveness and enforceability of regulations for EEZ waters.

In accordance with the emergency provisions of R.S. 49:953(B), the Administrative Procedure Act, R.S. 49:967 which allows the Wildlife and Fisheries Commission to use emergency procedures to set finfish seasons, and R.S. 56:326.3 which provides that the Wildlife and Fisheries Commission may set seasons for saltwater finfish; the Wildlife and Fisheries Commission hereby sets the following season for commercial harvest of red snapper in Louisiana state waters:

The season for the commercial fishery for red snapper in Louisiana state waters will open at 12 noon February 1, 2004. The commercial fishery for red snapper in Louisiana waters will close at 12 noon February 10, 2004, and thereafter open at 12 noon on the first of each month and close at 12 noon on the tenth of each month, for each month of 2004 until two-thirds (2/3) of the 2004 commercial red snapper quota for the Gulf of Mexico has been harvested or projected to be harvested.

The Commission grants authority to the Secretary of the Department of Wildlife and Fisheries to set the closing date for the commercial red snapper season in Louisiana state waters when he is informed by the Regional Administrator of NMFS that two-thirds (2/3) of the commercial red snapper quota for the Gulf of Mexico has been harvested or projected to be harvested, such closure order shall close the season until 12 noon October 1, 2004, which is the date expected to be set for the re-opening of the 2004 commercial red snapper season in Federal waters.

The season for the commercial fishery for red snapper in Louisiana state waters will re-open at 12 noon October 1, 2004. The commercial fishery for red snapper in Louisiana waters will close at 12 noon October 10, 2004, and thereafter open at 12 noon on the first of each month and close at 12 noon on the tenth of each month for each month of 2004, until the remainder of the 2004 commercial quota is harvested.

The Commission grants authority to the Secretary to set the closing date for the commercial red snapper season in Louisiana state waters when he is informed by NMFS that the commercial red snapper quota for the Gulf of Mexico has been harvested or projected to be harvested; such closure order shall close the season until the date set for the opening of the year 2005 commercial red snapper season in Federal waters.

The Commission grants authority to the Secretary to change the opening dates for the commercial red snapper season in Louisiana state waters if he is informed by NMFS that the season dates for the commercial harvest of red snapper in the federal waters of the Gulf of Mexico as set out herein have been modified, and that the NMFS requests that the season be modified in Louisiana state waters.

The Secretary is also authorized to re-open and close the commercial red snapper season outside of the season framework established herein in Louisiana state waters if he is informed by NMFS that the season dates for the commercial harvest of red snapper in the Federal waters of the Gulf of Mexico have been modified to re-open and close and that NMFS requests the season be re-opened and closed in Louisiana state waters.

Nothing herein shall preclude the legal harvest of red snapper by legally licensed recreational fishermen. Effective with any commercial closure, no person shall commercially harvest, transport, purchase, barter, trade, sell or attempt to purchase, barter, trade or sell red snapper, whether taken from within or without Louisiana territorial waters. Effective with the closure, no person shall possess red snapper in excess of a daily bag limit, whether taken from within or without Louisiana territorial waters. Provided however that fish in excess of the daily bag limit which were legally taken prior to the closure may be purchased, possessed, transported, and sold by a licensed wholesale/retail dealer if appropriate records in accordance with R.S. 56:306.5 and R.S. 56:306.6 are properly maintained, and those other than wholesale/retail dealers may purchase such fish in excess of the daily bag limit from wholesale/retail dealers for their own use or for sale by a restaurant as prepared fish.

Bill A. Busbice, Jr.  
Chairman

The last item by Mr. Randy Pausina was a **Declaration of Emergency - King Mackerel Commercial Season**. The commercial season for king mackerel will open at 12:01 a.m., July 1, 2004 and will remain open until the 1.01 million pound quota has been harvested or was projected to be harvested. Then Mr. Pausina read the Therefore Be It Resolved portion of the Resolution. No public comments were heard on this proposed action. Commissioner Felterman made a motion to adopt the Resolution. Commissioner Mouton seconded the motion and it passed with no opposition.

(The full text of the Resolution and Declaration of Emergency are made a part of the record.)

#### RESOLUTION

##### 2004 COMMERCIAL KING MACKEREL SEASON

January 8, 2004

WHEREAS, the king mackerel fishery in the Gulf of Mexico off the coast of Louisiana is cooperatively managed by the Louisiana Wildlife and Fisheries Commission, the Department of Wildlife and Fisheries (LDWF) and the National Marine Fisheries Service (NMFS) with advice from the Gulf of Mexico Fishery Management Council (Gulf Council), and

WHEREAS, regulations promulgated by NMFS are applicable in waters of the Exclusive Economic Zone (EEZ) of the U. S., which in Louisiana is generally three miles offshore, and



WHEREAS, NMFS requests consistent regulations in Louisiana state waters, which are preferable as they assist in enforcement of fishery rules, and

WHEREAS, the 2004 commercial king mackerel season in EEZ waters will open on July 1, 2004, and

WHEREAS, R.S. 49:953(B) allows the Wildlife and Fisheries Commission to use emergency procedures to set finfish seasons by emergency rule and R.S. 49:967 allows the Wildlife and Fisheries Commission to set finfish seasons and all rules and regulations pursuant thereto by emergency rule, and

WHEREAS, R.S. 56:326.3 provides that the Wildlife and Fisheries Commission may set seasons for saltwater finfish,

THEREFORE BE IT RESOLVED, that the Wildlife and Fisheries Commission hereby establishes the 2004 season for commercial harvest of king mackerel in Louisiana state waters, and

BE IT FURTHER RESOLVED, that all applicable rules regarding the commercial king mackerel harvest including trip and size limits, established by the Commission shall be in effect during the open season hereby established, and

BE IT FURTHER RESOLVED, that the secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this Declaration of Emergency, and

BE IT FURTHER RESOLVED, that a Declaration of Emergency setting the 2004 commercial king mackerel season in Louisiana state waters is attached to and made part of this resolution.

Bill A. Busbice, Jr., Chairman  
Wildlife and Fisheries  
Commission

James H. Jenkins, Jr., Secretary  
Department of Wildlife and  
Fisheries

#### DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission

2004 Commercial King Mackerel Season

In accordance with the emergency provisions of R.S. 49:953(B), the Administrative Procedure Act, R.S. 49:967 which allows the Wildlife and Fisheries Commission to use emergency procedures to set finfish seasons and all rules and regulations pursuant thereto

by emergency rule, and R.S. 56:6(25)(a) and 56:326.3 which provide that the Wildlife and Fisheries Commission may set seasons for saltwater finfish; the Wildlife and Fisheries Commission hereby sets the following season and trip limit for the commercial harvest of king mackerel in Louisiana state waters:

The commercial season for king mackerel in Louisiana state waters will open at 12:01 a.m., July 1, 2004 and remain open until the allotted portion of the commercial king mackerel quota for the Western Gulf of Mexico has been harvested or projected to be harvested.

The Commission grants authority to the Secretary of the Department of Wildlife and Fisheries to close the commercial king mackerel season in Louisiana state waters when he is informed by the National Marine Fisheries Service (NMFS) that the commercial king mackerel quota for the Western Gulf of Mexico has been harvested or is projected to be harvested, such closure order shall close the season until 12:01 a.m., July 1, 2005, which is the date expected to be set for the re-opening of the 2005 commercial king mackerel season in Federal waters.

The Commission also authorizes the Secretary to open an additional commercial king mackerel season in Louisiana state waters if he is informed that NMFS has opened an additional season and to close such season when he is informed that the commercial king mackerel quota for the western Gulf of Mexico has been filled, or is projected to be filled.

Nothing herein shall preclude the legal harvest of king mackerel by legally licensed recreational fishermen. Effective with any closure, no person shall commercially harvest, transport, purchase, barter, trade, sell or attempt to purchase, barter, trade or sell king mackerel, whether taken from within or without Louisiana territorial waters. Effective with the closure, no person shall possess king mackerel in excess of a daily bag limit, whether taken from within or without Louisiana territorial waters. Provided however that fish in excess of the daily bag limit which were legally taken prior to the closure may be purchased, possessed, transported, and sold by a licensed wholesale/retail dealer if appropriate records in accordance with R.S. 56:306.5 and R.S. 56:306.6 are properly maintained. Those other than wholesale/retail dealers may purchase such fish in excess of the daily bag limit from wholesale/retail dealers for their own use or for sale by a restaurant as prepared fish.

Bill A. Busbice, Jr.  
Chairman

**Declaration of Emergency and Notice of Intent - Designation of Additional Lake Borgne Public Oyster Seed Grounds was submitted by**

Mr. Patrick Banks. The proposed action would designate additional acreage to become part of the Lake Borgne Public Oyster Seed Ground. Lake Borgne is located east of Lake Pontchartrain and east of New Orleans. The oyster availability in Lake Borgne has decreased nearly 70 percent since 2001. Significant new resources have been reported and found in three new areas. Since these areas are not currently part of the public seed grounds, no mechanism was available to harvest the resource. The oyster industry has asked the Department to include these three areas into the public seed ground system to allow for harvest. Mr. Banks noted a copy of a letter from the Oyster Task Force supporting the action was included in their packets. The Declaration of Emergency would put these areas under the Department's management immediately and would open the area for harvest one-half before sunrise on Monday, January 12, 2004. Mr. Banks then read the Therefore Be It Resolved portion of the Resolution.

Mr. George Barisich, President, United Commercial Fisherman's Association, stated they polled the oyster membership and 97 percent were in favor of the action.

Hearing no further comments, Commissioner Felterman made a motion to accept the Resolution and it was seconded by Commissioner Broussard. The motion passed with no opposition.

(The full text of the Resolution, Declaration of Emergency and Notice of Intent are made a part of the record.)

#### RESOLUTION

##### DESIGNATION OF ADDITIONAL LAKE BORGNE PUBLIC OYSTER SEED GROUNDS

January 8, 2004

- WHEREAS, R.S. 56:6(12) provides that the Commission shall improve, enlarge, and protect the natural oyster reefs of this state as conditions may warrant, and
- WHEREAS, R.S. 56:434(A) provides that the Commission shall designate and set aside area from the water bottoms of the state as it judges best adapted to the planting, propagation, growth, and policing of seed oysters, and
- WHEREAS, the oyster resource availability on the public oyster seed grounds in the Lake Borgne area has fallen to roughly 30% of levels measured in 2001, and
- WHEREAS, portions of un-leased water bottoms in Lake Borgne that are not part of the current Lake Borgne Public Oyster

Seed Ground as described in LAC 76:VII.513 contain oysters of harvestable size and quantity, and

WHEREAS, the current oyster lease moratorium effectively prohibits harvest of this oyster resource as these water bottoms are not available for lease, and

WHEREAS, the proposed additional acreage would create a contiguous seed ground by adding acreage to the existing Lake Borgne Public Oyster Seed Ground that could be effectively managed and patrolled in the best interest of the state, and

WHEREAS, the Louisiana Oyster Task Force has recommended that the additional acreage be added to the Lake Borgne Public Oyster Seed Ground, and

WHEREAS, the oyster resource in this area would be immediately placed under active state management for the long-term benefit of the resource and protection of the natural reefs, and this would allow harvest of this resource providing immediate economic benefit to the oyster industry, and

WHEREAS, the X and Y coordinates (1927 datum) used to describe the existing Lake Borgne Public Oyster Seed Grounds were terminated on December 31, 1995 as per La. R.S. 50:11, now

THEREFORE BE IT RESOLVED, the Wildlife and Fisheries Commission does hereby declare and designate additional public oyster seed ground acreage on those water bottoms of Lake Borgne within the areas described in the attached Declaration of Emergency, and

BE IT FURTHER RESOLVED, the oyster season within the areas described in the attached Declaration of Emergency shall open one-half hour before sunrise January 12, 2004 and follow the remaining seasonal framework set forth by Commission action on August 6, 2003 for the Lake Borgne Public Oyster Seed Ground and shall close one-half hour after sunset on April 1, 2004, and

BE IT FURTHER RESOLVED, the coordinates used to describe the existing Lake Borgne Public Oyster Seed Grounds shall be converted to Latitude and Longitude (1983 datum), and

BE IT FURTHER RESOLVED, that the Secretary of the Department of Wildlife and Fisheries is authorized to take emergency action if necessary, to close areas if oyster mortalities are occurring or where it is found that there are

excessive amounts of shell in seed oyster loads, or if enforcement problems are encountered, and

BE IT FURTHER RESOLVED, the Secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the Commission to effectuate this Declaration of Emergency and Notice of Intent, including but not limited to the preparation of reports and correspondence to other agencies of government, and

BE IT FURTHER RESOLVED, a Declaration of Emergency and Notice of Intent establishing the additional Lake Borgne Public Oyster Seed Grounds is attached to and made part of this resolution.

\_\_\_\_\_  
Bill A. Busbice, Jr., Chairman  
Wildlife and Fisheries  
Commission

\_\_\_\_\_  
James H. Jenkins, Jr., Secretary  
Department of Wildlife and  
Fisheries

#### DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission

In accordance with emergency provisions of the Administrative Procedure Act, R.S. 49:953(B) and R.S. 49:957 which allows the Wildlife and Fisheries Commission to use emergency procedures to set oyster seasons, and in accordance with R.S. 56:6(12) and R.S. 56:434(A) which allows the Commission to enlarge the natural reefs of the state and to designate and set aside state water bottoms for the planting, growth, propagation, and policing of seed oysters, the Wildlife and Fisheries Commission does hereby declare and designate additional public oyster seed ground acreage on those water bottoms of Lake Borgne in St. Bernard Parish, more specifically described below, to be added to the Lake Borgne Public Oyster Seed Ground as described in Louisiana Administrative Code (LAC) 76:VII.513. The oyster harvest season in this additional area shall open one-half hour before sunrise January 12, 2004 and follow the remaining seasonal framework set forth by Commission action on August 6, 2003 for the Lake Borgne Public Oyster Seed Ground and shall close one-half hour after sunset on April 1, 2004.

Due to the declining availability of oyster resources on the Lake Borgne Public Oyster Seed Ground, the current oyster lease moratorium on the issuance of new oyster leases, and the availability of oyster resource located on un-leased water bottoms adjacent to the current Lake Borgne Public Oyster Seed Ground, the expansion of the Lake Borgne Public Oyster Seed Ground is needed to enhance the economic sustainability of the Louisiana oyster industry. The oyster resource in this area would be immediately placed under active state management for the long-term benefit of

the resource and protection of the natural reefs. This would allow harvest of this resource providing immediate economic benefit to the oyster industry. Without the presence of the current oyster lease moratorium, this area would be open for leasing and, thus, the oyster resource would be available for harvest..

The Secretary of the Department of Wildlife and Fisheries is authorized to take emergency action as necessary to close areas if oyster mortalities are occurring or where it is found that there are excessive amounts of shell in seed oyster loads, or if enforcement problems are encountered.

All statutes, regulations, and policies pertaining to the use of public oyster grounds will be in force in the additional Lake Borgne Public Oyster Seed Grounds described in Paragraphs 2, 3, and 4 below with the exception of any additional mitigation requirements levied from time to time for construction, oil and gas exploration, or pipeline construction activities for the term of this Declaration of Emergency.

In addition, the X and Y coordinates (1927 datum) used to describe the existing Lake Borgne Public Oyster Seed Grounds shall be converted to Latitude and Longitude (1983 datum) so as to comply with R.S. 50:11.

This Declaration of Emergency will become effective January 8, 2004 and shall remain in effect for the maximum period allowed under the Administrative Procedure Act or until revocation by the Commission and the Department.

Therefore, the Wildlife and Fisheries Commission does hereby declare the following water bottoms of Lake Borgne as described below as the Lake Borgne Public Oyster Seed Ground:

## **Title 76**

### **WILDLIFE AND FISHERIES**

#### **Part VII. Fish and Other Aquatic Life**

##### **Chapter 5. Oyster**

##### **§513. Public Oyster Seed Ground Addition - Lake Borgne**

The Lake Borgne Public Oyster Seed Ground is described as that portion of the state water bottoms:

1. Beginning at the most northerly point of Malheureux Point latitude 30° 04' 48.216" north, longitude 89° 29' 02.247" west on the southern shoreline of Lake Borgne; thence southwesterly a distance of 16.6 miles to the most easterly point of Proctor Point latitude 29° 56' 46.459" north, longitude 89° 42' 51.039" west on

the southwestern shoreline of Lake Borgne; thence northerly a distance of 5.6 miles to the most easterly point of Alligator Point latitude 30° 01' 39.731" north, longitude 89° 43' 01.767" west on the northern shoreline of Lake Borgne; thence northeasterly along the northern shoreline of Lake Borgne a distance of 19.1 miles to the intersection with the western shoreline of the Pearl River latitude 30° 10' 39.633" north, longitude 89° 31' 53.828" west; thence northerly along the western shoreline of the Pearl River a distance of 0.25 miles to a point latitude 30° 10' 52.888" north, longitude 89° 31' 53.736" west on the western shoreline of the Pearl River; thence easterly a distance of 1.15 miles to the Pearl River Beacon No. 8 latitude 30° 11' 00.429" north, longitude 89° 31' 28.187" west; thence southeasterly a distance of 7.5 miles to the point of beginning.

2. Beginning at the southeastern corner of the existing Lake Borgne Public Oyster Seed Ground as described in Paragraph 1 above, which is the most easterly point of Proctor Point, at latitude 29° 56' 46.459" north, longitude 89° 42' 51.039" west; thence westerly along the shoreline of Lake Borgne to latitude 29° 55' 54.300" north, longitude 89° 47' 57.000" west; thence north to latitude 30° 00' 46.000" north, longitude 89° 47' 57.000" west; thence east to the western boundary of the existing Lake Borgne Public Oyster Seed Ground at latitude 30° 00' 46.000" north, longitude 89° 42' 59.799" west; thence southerly along the western boundary of the existing Lake Borgne Public Oyster Seed Ground to the point of beginning.

3. Beginning at the southeastern corner of the existing Lake Borgne Public Oyster Seed Ground as described in Paragraph 1 above, which is the most easterly point of Proctor Point, at latitude 29° 56' 46.459" north, longitude 89° 42' 51.039" west; thence northeasterly along the southern boundary of the existing Lake Borgne Public Oyster Seed Ground to latitude 30° 01' 18.470" north, longitude 89° 35' 03.662" west; thence southwesterly to latitude 29° 53' 22.749" north, longitude 89° 42' 12.538" west; thence northwesterly to a point on the shoreline of Lake Borgne at latitude 29° 56' 12.711" north, longitude 89° 44' 11.750" west; thence northeasterly along the shoreline of Lake Borgne to the point of beginning.

4. Beginning at a point on the southern boundary of the existing Lake Borgne Public Oyster Seed Ground, as described in Paragraph 1 above, at latitude 30° 01' 25.814" north, longitude 89° 34' 51.025" west; thence northeasterly along the southern boundary of the existing Lake Borgne Public Oyster Seed Ground to latitude 30° 04' 01.816" north, longitude 89° 30' 22.277" west; thence southerly to latitude 30° 02' 25.177" north, longitude 89° 30' 22.277" west; thence southwesterly to latitude 30° 00' 26.497" north, longitude 89° 34' 05.521" west; thence northwesterly to the point of beginning.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(12) and R.S. 56:434(A).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 21:707 (July 1995), amended LR 30:\_\_\_\_\_.

Bill A. Busbice, Jr.  
Chairman

## NOTICE OF INTENT

Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission does hereby give notice of its intent to designate additional Lake Borgne Public Oyster Seed Grounds in St. Bernard Parish to be added to the Lake Borgne Public Oyster Seed Ground as described in Louisiana Administrative Code (LAC) 76:VII.513. Authority to establish this addition to the Lake Borgne Public Oyster Seed Ground is vested in the Wildlife and Fisheries Commission by R.S. 56:6(12) and R.S. 56:434(A).

### Title 76

#### WILDLIFE AND FISHERIES

#### Part VII. Fish and Other Aquatic Life

#### Chapter 5. Oyster

#### §513. Public Oyster Seed Ground Addition - Lake Borgne

The Lake Borgne Public Oyster Seed Ground is described as that portion of the state water bottoms:

1. Beginning at the most northerly point of Malheureux Point (~~Y-518,620~~) (~~X-2,584,920~~) latitude 30° 04' 48.216" north, longitude 89° 29' 02.247" west on the southern shoreline of Lake Borgne; thence southwesterly a distance of 16.6 miles to the most easterly point of Proctor Point (~~Y-468,858~~) (~~X-2,512,804~~) latitude 29° 56' 46.459" north, longitude 89° 42' 51.039" west on the southwestern shoreline of Lake Borgne; thence northerly a distance of 5.6 miles to the most easterly point of Alligator Point (~~Y-498,467~~) (~~X-2,511,442~~) latitude 30° 01' 39.731" north, longitude 89° 43' 01.767" west on the northern shoreline of Lake Borgne; thence northeasterly along the northern shoreline of Lake Borgne a distance of 19.1 miles to the intersection with the western shoreline of the Pearl River (~~Y-553,875~~) (~~X-2,569,290~~) latitude 30° 10' 39.633" north, longitude 89° 31' 53.828" west; thence northerly along the western shoreline of the Pearl River a distance of 0.25 miles to a point (~~Y-555,214~~) (~~X-2,569,277~~) latitude 30° 10' 52.888" north, longitude 89° 31' 53.736" west on the western shoreline of



the Pearl River; thence easterly a distance of 1.15 miles to the Pearl River Beacon No. 8 (~~Y-556,011~~) (~~X-2,571,507~~) latitude 30° 11' 00.429" north, longitude 89° 31' 28.187" west; thence southeasterly a distance of 7.5 miles to the point of beginning.

2. Beginning at the southeastern corner of the existing Lake Borgne Public Oyster Seed Ground as described in Paragraph 1 above, which is the most easterly point of Proctor Point, at latitude 29° 56' 46.459" north, longitude 89° 42' 51.039" west; thence westerly along the shoreline of Lake Borgne to latitude 29° 55' 54.300" north, longitude 89° 47' 57.000" west; thence north to latitude 30° 00' 46.000" north, longitude 89° 47' 57.000" west; thence east to the western boundary of the existing Lake Borgne Public Oyster Seed Ground at latitude 30° 00' 46.000" north, longitude 89° 42' 59.799" west; thence southerly along the western boundary of the existing Lake Borgne Public Oyster Seed Ground to the point of beginning.

3. Beginning at the southeastern corner of the existing Lake Borgne Public Oyster Seed Ground as described in Paragraph 1 above, which is the most easterly point of Proctor Point, at latitude 29° 56' 46.459" north, longitude 89° 42' 51.039" west; thence northeasterly along the southern boundary of the existing Lake Borgne Public Oyster Seed Ground to latitude 30° 01' 18.470" north, longitude 89° 35' 03.662" west; thence southwesterly to latitude 29° 53' 22.749" north, longitude 89° 42' 12.538" west; thence northwesterly to a point on the shoreline of Lake Borgne at latitude 29° 56' 12.711" north, longitude 89° 44' 11.750" west; thence northeasterly along the shoreline of Lake Borgne to the point of beginning.

4. Beginning at a point on the southern boundary of the existing Lake Borgne Public Oyster Seed Ground, as described in Paragraph 1 above, at latitude 30° 01' 25.814" north, longitude 89° 34' 51.025" west; thence northeasterly along the southern boundary of the existing Lake Borgne Public Oyster Seed Ground to latitude 30° 04' 01.816" north, longitude 89° 30' 22.277" west; thence southerly to latitude 30° 02' 25.177" north, longitude 89° 30' 22.277" west; thence southwesterly to latitude 30° 00' 26.497" north, longitude 89° 34' 05.521" west; thence northwesterly to the point of beginning.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(12) and R.S. 56:434(A).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 21:707 (July 1995), amended LR 30:\_\_\_\_\_.

The Secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this notice of intent and the final rule, including but not limited to, the filing of the

fiscal and economic impact statement, the filing of the notice of intent and final rule and the preparation of reports and correspondence to other agencies of government.

Interested persons may submit written comments relative to the proposed rule until 4:30 p.m., March 4, 2004 to Mr. Patrick D. Banks, Department of Wildlife and Fisheries, Marine Fisheries Division, Box 98000, Baton Rouge, LA, 70898-9000.

In accordance with Act 1183 of 1999, the Department of Wildlife and Fisheries/Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection with the preceding Notice of Intent: This Notice of Intent will have no impact on the six criteria set out in R.S. 49:972(B).

Bill A. Busbice, Jr.  
Chairman

The next agenda item, **Consideration of Offshore Territorial Sea Shrimp Closure** was handled by Mr. Marty Bourgeois. The Declaration of Emergency would close to shrimping the offshore territorial waters from the western shore of Freshwater Bayou Canal to the eastern shore of Belle Pass at Bayou Lafourche. This action would become effective at 6 a.m, Monday, January 12, 2004 if approved. Recent data shows the water temperature remains below 15°C and the growth rates at these temperatures are inhibited. Overwintering white shrimp are averaging smaller than the minimum legal count of 100 count per pound. Additional white shrimp are expected to recruit to these areas within the next few months, so this action would protect these shrimp and allow them the chance to grow to a larger and more valuable size. The Declaration of Emergency would authorize the Secretary to close any additional waters if there is a need or to reopen any area when a closure is no longer necessary. This action also authorizes the Secretary to open and close special shrimp seasons in inside waters if there was no impact to the brown shrimp. This year's action is occurring one month earlier than previous years and it also extends the closure area further to Belle Pass, commented Mr. Bourgeois. Chairman Busbice asked Mr. Bourgeois to read the Therefore Be It Resolved portion of the Resolution. Commissioner Sagrera asked if he understood that this action was occurring one month earlier than last year? Mr. Bourgeois answered yes. Hearing no further comments, Commissioner Sagrera made a motion to accept the Resolution and it was seconded by Commissioner Mouton. No opposition was noted on this motion.

(The full text of the Resolution and Declaration of Emergency are made a part of the record.)

#### RESOLUTION

2004 Closure of State Outside Waters to Shrimping  
adopted by the  
Louisiana Wildlife and Fisheries Commission

January 8, 2004

WHEREAS, R.S. 56:497 provides the open shrimp seasons for all or part of the state waters shall be fixed by the Louisiana Wildlife and Fisheries Commission, and

WHEREAS, R.S. 56:497 provides the Commission shall have the right to set special seasons for all or part of the state waters, and

WHEREAS, R.S. 56:497 provides the Commission shall have the authority to open or close outside waters by zone each year as it deems appropriate upon inspection of and based upon technical and biological data which indicates that marketable shrimp, in sufficient quantities, are available for harvest, and

WHEREAS, R.S. 56:498 provides that the possession count on saltwater white shrimp for each cargo lot shall average no more than 100 (whole specimens) count per pound, except during the time period from October fifteenth through the third Monday in December when there shall be no count, and

WHEREAS, in state outside waters, water temperatures remain below 15 degrees Centigrade and the growth rate of white shrimp is therefore slow, and

WHEREAS, current biological sampling conducted by the Department of Wildlife and Fisheries has indicated that white shrimp in a portion of state outside waters average smaller than 100 possession count and additional small white shrimp are expected to recruit to these waters during the remainder of winter and early spring, now

THEREFORE BE IT RESOLVED, the Wildlife and Fisheries Commission does hereby order a closure to shrimping in that portion of state outside waters, south of the Inside/Outside Shrimp Line as described in R.S. 56:495, from the western shore of Freshwater Bayou Canal at longitude 92° 18' 33" W to the eastern shore of Belle Pass at latitude 29° 05' 07" N and longitude 90° 13' 30" W, at 6 a.m. on Monday, January 12, 2004.

BE IT FURTHER RESOLVED, the Wildlife and Fisheries Commission does hereby authorize the Secretary of the Department of Wildlife and Fisheries to close to shrimping, if necessary to protect small white shrimp, any part of

remaining state outside waters, if biological and technical data indicate the need to do so, and to reopen any area closed to shrimping when the closure is no longer necessary.

BE IT FURTHER RESOLVED, the Wildlife and Fisheries Commission does hereby authorize the Secretary of the Department of Wildlife and Fisheries to open special seasons for the harvest of white shrimp in any portion of the State's inside waters where such a season would not detrimentally impact small brown shrimp.

BE IT FURTHER RESOLVED, the Declaration of Emergency closing state outside waters is attached to and made a part of this resolution.

Bill A. Busbice, Jr., Chairman  
Wildlife and Fisheries  
Commission

James H. Jenkins, Jr., Secretary  
Department of Wildlife and  
Fisheries

#### DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission

In accordance with the emergency provisions of R.S. 49:953(B) and R.S. 49:967 of the Administrative Procedure Act which allows the Wildlife and Fisheries Commission to use emergency procedures to set shrimp seasons, and R.S. 56:497 which provides that the Wildlife and Fisheries Commission shall have the authority to open or close state outside waters to shrimping by zone each year as it deems appropriate, the Wildlife and Fisheries Commission hereby orders a closure to shrimping in that portion of state outside waters, south of the Inside/Outside Shrimp Line as described in R.S. 56:495, from the western shore of Freshwater Bayou Canal at longitude 92° 18' 33" W to the eastern shore of Belle Pass at latitude 29° 05' 07" N and longitude 90° 13' 30" W. This closure is effective at 6 a.m., Monday, January 12, 2004.

R.S. 56:498 provides that the possession count on saltwater white shrimp for each cargo lot shall average no more than 100 (whole specimens) count per pound except during the time period from October fifteenth through the third Monday in December. Current biological sampling conducted by the Department of Wildlife and Fisheries has indicated that white shrimp in this portion of state outside waters do not average 100 possession count and additional small white shrimp are expected to recruit to these waters. This action is being taken to protect these small white shrimp and provide them the opportunity to grow to a larger and more valuable size.

The Wildlife and Fisheries Commission authorizes the Secretary of the Department of Wildlife and Fisheries to close to shrimping, if necessary to protect small white shrimp, any part of remaining state outside waters, if biological and technical data indicate the need to do so, and to reopen any area closed to shrimping when the closure is no longer necessary; and hereby authorizes the Secretary of the Department of Wildlife and Fisheries to open and close special shrimp seasons in any portion of state inside waters where such a season would not detrimentally impact small brown shrimp.

Bill A. Busbice, Jr.  
Chairman

The Commissioners agreed to hold the **May 2004 Meeting** on Thursday, May 6, 2004, beginning at 10:00 a.m. at the Baton Rouge Headquarters.

Then Chairman Busbice stated the Commission wanted to move the March Meeting to Toledo Bend. He then asked Mr. John Roussel to check into meeting facilities. Mr. Roussel stated the Commission has met before at the State Park, but added he knew of several other places that could accommodate the meeting. Onto a different meeting, Commissioner Sagrera stated he would be out of the country and unable to attend the February Commission Meeting.

Chairman Busbice then asked for **Public Comments**. Mr. James Patton stated he has known Secretary Jenkins for about 20 years and has a perspective of him that may be different from anyone else. He then reported that the state of the Department at the end of the Secretary's tenure was good and financially sound. Mr. Patton then added that he has built a record of the Department's success over the past four years. When the transition document was being assembled, Mr. Patton was asked to list the accomplishments under Governor Foster which coincided with Secretary Jenkins' administration. The document submitted was over 40 pages, but had to be reduced to 8. If anyone would read that document, they would be proud that Secretary Jenkins was in charge of the agency over the last 8 years. Mr. Patton then presented a plaque of appreciation for his most recent 8 years of service.

Mr. Richard Lipsey stated the hunting and fishing industry has kept him in business and helped him earn a living. He then noted he has known Secretary Jenkins and have hunted and fished with him for almost 50 years. Secretary Jenkins took on 8 years of public service at a time in his life when he could have retired. These years with Secretary Jenkins have stabilized the Department, he has stuck to his guns and got done what he believed was in the best interest of the sportsmen. Mr. Lipsey then congratulated and thanked Secretary Jenkins on behalf of the sportsmen.

Mr. Cornell Arceneaux stated he was a mere mortal, but that Secretary Jenkins was not. One of the accomplishments Secretary Jenkins has achieved was the number of people he has gotten involved and kept involved. Mr. Arceneaux then thanked Secretary Jenkins.

Mr. Brian King stated on behalf of Delta Waterfowl they wanted to thank Secretary Jenkins for his support over the last 8 years. He also expressed thanks for what has been done for fish and game in the State of Louisiana.

Mr. Jeff Angers stated he has known Secretary Jenkins personally for a long time. Even though it may be hard to defend the Secretary's bedside manner, he always took care of business, commented Mr. Angers. Secretary Jenkins was then presented with a Zebco rod and reel that needed a little attention. Twenty years ago, Secretary Jenkins was one of 14 members concerned with the population of redfish and so he began a club called GCCA. That club now is called CCA and has 32,000 members and volunteers throughout the State. Another presentation a rod from Falcon rods along with a gold reel was given to the Secretary and he was told by Mr. Angers to go fishing!

Col. Winton Vidrine stated Secretary Jenkins was a good Secretary for the Department because he did the right things for the right reasons. He then introduced Lt. Darryl Moore, President of Wildlife Agents Association. Col. Vidrine then thanked Secretary Jenkins for all that he has done. Lt. Moore expressed gratitude on behalf of the agents across the state and their families for the dedication and service to the Enforcement Division and the Department. He then presented Secretary Jenkins with an engraved gun similar to those carried by the agents.

Commissioner Mouton stated he read Secretary Jenkins' final comments in the Louisiana Conservationist and felt it was interesting a story from the Baton Rouge newspaper referred to the Secretary and the Governor as old fishing buddies and this was how he became Secretary of the Department. This story was not true. When invited on a duck hunt by Commissioner Mouton, Secretary Jenkins explained the problems with the Department to the Governor. The Governor felt he was the best person for the job, but Secretary Jenkins stated he did not want it more than one time. As Commissioner Mouton stated, the rest is history. He then read an editorial that ran in the Louisiana State Newspapers that day entitled "Jimmy Jenkins Brought Great Reforms to LDWF".

Chairman Busbice stated Secretary Jenkins has an ability to look at problems from different angles and helped to solve them.

Secretary Jenkins stated he did not start fishing until the early 1980's. In the mid-80's, he went to a Commission Meeting in Crowley to talk about redfish, but no one wanted to pay attention

to the problem. That is when GCCA was formed. He wrote then Governor Edwards and told him someone should be appointed to the Commission that cared, so the Governor appointed him. This Commission Meeting was number 166 for Secretary Jenkins. During the time of Secretary Jenkins' appointment to the Commission, when shrimp was on the agenda, the room would fill up. But today, this does not occur since the fishermen trust the Department and feels the Department has the industry and the resources best interest in mind. He then thanked the Commission and the Governor for being supportive of the Department and those resources. The Secretary also thanked the employees of the Department. He felt the employees in this Department are very conscientious and concerned about their jobs. Finally, Secretary Jenkins thanked the Press for giving the Department a fair shake every week.

There being no further business, Commissioner Denmon made a motion to **Adjourn** the meeting and it was seconded by Commissioner Sagrera.

  
\_\_\_\_\_  
Dwight Landreneau  
Secretary

DL:sch

Marianne,

Please review.

Thanks

Susan Hawkins

MB

MINUTES OF THE MEETING

OF

WILDLIFE AND FISHERIES COMMISSION

Thursday, January 8, 2004

presiding.

Henry Mouton  
Wayne Sagrera

Secretary James H. Jenkins, Jr. was also present.

Commissioner Jerry Stone was absent from the meeting.

Chairman Busbice called for a motion for approval of the **December 4, 2003 Commission Minutes**. A motion for approval was made by Commissioner Sagrera and seconded by Commissioner Denmon. The motion passed with no opposition.

Under **Commission Special Announcements** for this month, Chairman Busbice introduced the new Commissioner, Mr. Billy Broussard, from Pecan Island and welcomed him to the team. He then noted there would be a lot of responsibilities to the State to be handled.

The **Monthly Law Enforcement Report for December** was given by Major Keith LaCaze. The following numbers were issued during December.

Region I - Minden - 98 citations and 9 warnings.

Region II - Monroe - 71 citations, 3 warnings and 6 public assists.

Region III - Alexandria - 162 citations, 1 warning and 2 public assists.

Region IV - Ferriday - 122 citations, 6 warnings and 5 public assists.

Region V - Lake Charles - 165 citations and 4 public assists.

Region VI - Opelousas - 213 citations and 9 warnings.



Region VII - Baton Rouge - 177 citations, 4 warnings and 5 public assists.

Region VIII - New Orleans - 255 citations, 7 warnings and 6 public assists.

Region IX - Schriever - 122 citations, 30 warnings and 4 public assists.

Oyster Strike Force - 20 citations and 8 warnings.

Seafood Investigation Unit - 37 citations.

SWEP - 18 citations.

Refuge Patrol - 29 citations.

The grand total of citations issued statewide for the month of December was 1,385. Also 69 warning citations were issued and agents helped in 32 public assist cases.

The aviation report for December 2003 showed enforcement pilots flew three airplanes a total of 42.2 hours for enforcement and 42.7 hours for other divisions. No citations were issued.

Then Major LaCaze stated enforcement activity during the month centered around night hunting. This year night hunting has increased over what occurred the last two years. Chairman Busbice felt night hunting was the most dangerous complaint for an agent to check. He then added he would work with the Legislature for mandatory jail time for those violators. Another reason night hunting is dangerous was the possibility of violators using drugs. Chairman Busbice then asked for help from the other Commissioners as well as anyone else in getting jail time. Commissioner Mouton felt Chairman Busbice should write a letter to the District Attorneys prosecuting the night hunting cases and ask for vigorous prosecution. Chairman Busbice stated he sees a movement within the State of judges being less tolerant with these type violations. Major LaCaze noted that when judges hand down good prosecution and sentencing on cases, News Releases are published to let them know their efforts are noted. Another News Release referenced a Richland Parish man being arrested for obstruction of justice in a wildlife case.

Chairman Busbice then introduced several former Commission Members attending the meeting, Mr. Jeff Schneider, Mr. Bert Jones, Mr. Norman McCall and Mr. Tom Gattle.

**Notice of Intent - Spotted Seatrout Regulations - Recreational Size and Bag Limit** began with Mr. Randy Pausina stating the Commission requested a Notice of Intent be presented. He then read

the new language from the Notice of Intent. Commissioner Mouton stated at the last meeting, an Emergency Rule was adopted to cover spotted seatrout on Big Lake. This action was a Notice of Intent to cover that regulation on a statewide basis as per Commissioner Stone's request. Chairman Busbice asked for public comments.

Mr. Terry St. Cyr, a.k.a. Mr. Official, stated he does strictly sportfishing and the limit of 5 fish over 25 inches was a great number. He then asked if this regulation was for the recreationals, will the commercial fishermen be restricted to this regulation also? Mr. St. Cyr thanked the Commission for not making the limit 1 or 2, but stated again 5 was an acceptable number for the sportfishermen.

Mr. Jeff Angers, Executive Director of Coastal Conservation Association, stated this discussion began with members of CCA that use the Calcasieu and Sabine Lakes. These fishermen requested the Commission impose a 1 fish limit for that area. However, the Notice of Intent does not resemble what was initially discussed. Mr. Angers then stated CCA does not have the unanimity of support for a statewide regulation. Commissioner Denmon asked Mr. Angers what was the problem with what was presented? Mr. Angers stated the different Chapters of CCA pushed for a change in that one particular area and they do not recognize there is a similar problem statewide. He then noted there were members of CCA that would support the regulation, but CCA does not have a position to be in support of a statewide rule. Commissioner Segrera asked how would this regulation be enforced with the commercial fishermen? Mr. Angers stated a fish taken with a commercial license should be treated differently from one taken with a recreational license. Chairman Busbice asked Mr. Angers if the proposed rule was a step in the right direction CCA wanted for the Calcasieu area? Mr. Angers felt the Declaration of Emergency passed at the last meeting addressed the problem of both residents and non-residents taking stringers full of big trout. He then added that the proposal is one step closer toward having good conservation in that area. Again he noted, they have not gotten the push from the members to note there was a statewide problem. Chairman Busbice asked if there has been opposition from other parts of the state on the 5 fish limit? Mr. Angers stated there are lots of different opinions out there, but felt it was a step in the right direction. Commissioner Denmon commented the Declaration of Emergency was adopted to immediately help with the problem until an open discussion could be held. He then stated, that if there was not a problem somewhere else, why would the members care whether the action was taken or not? Mr. Angers stated the concentration of anglers targeting big fish was in the Big Lake area. Commissioner Segrera stated the Notice of Intent reads a 5 fish limit statewide. Mr. Angers again stated CCA's position is they support the move of 5 fish in the Calcasieu-Sabine Estuary system and not statewide. He then asked if the Notice of Intent could be amended to read the same as the Declaration of Emergency. Mr. Don Puckett stated the

Notice of Intent can be amended prior to submission to the Legislative Oversight Committees which was approximately 45 days. Chairman Busbice felt the Commission would want to hear more public comments. He felt the Commission would try to get to something. Chairman Busbice asked if tournaments are prevalent on the Big Lake area? Mr. Angers answered yes. Mr. Puckett stated the 45 day window applied to promulgating a proposal within the minimum time, but added there was a one year timeframe from the Notice of Intent to ratify a rule. Mr. Angers then asked the Commission to amend the Notice of Intent to take care of the problem area and then continue with public comment for the statewide regulation? Commissioner Mouton made a motion for the Notice of Intent be modified to have a 5 fish limit for the Big Lake Area which would be the same as the Declaration of Emergency. Chairman Busbice asked Enforcement if there was a description for Big Lake that can be utilized? Lt. Col. Charlie Clark stated the Declaration of Emergency already denoted those boundaries. Commissioner Broussard seconded the motion. Chairman Busbice then asked for additional public comments and none were heard. The motion passed with opposition from Commissioner Felterman and Commissioner Denmon.

(The full text of the Notice of Intent is made a part of the record.)

#### NOTICE OF INTENT

##### Department of Wildlife and Fisheries Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission does hereby give notice of its intent to amend a Rule, LAC 76:VII.341, modifying the existing rule. Authority for adoption of this Rule is included in R.S. 56:6(25)(a) and 56:325.1(A)2 and (B). Said Rule is attached to and made a part of this Notice of Intent.

#### Title 76

#### WILDLIFE AND FISHERIES

#### Part VII. Fish and Other Aquatic Life

#### Chapter 3. Saltwater Sport and Commercial Fishery

#### §341. Spotted Seatrout Management Measures

\* \* \*

E. Recreational Regulations. Except as provided in R.S. 56:325.1, within those areas of the state, including coastal territorial waters, south of Interstate 10 from its junction at the Texas-Louisiana boundary eastward to its junction with Louisiana Highway 171, south to Highway 14, and then south to Holmwood, and

then south on Highway 27 through Gibbstown south to Louisiana Highway 82 at Creole and south on Highway 82 to Oak Grove, and then due south to the western shore of the Mermentau River, following this shoreline south to the junction with the Gulf of Mexico, and then due south to the limit of the state territorial sea, no person shall possess, regardless of where taken, more than five (5) spotted seatrout exceeding twenty-five inches (25") total length. The spotted seatrout exceeding twenty-five inches (25") in length shall be considered as part of the daily recreational bag limit and possession limit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(25)(a); R.S. 56:306.5, R.S. 56:306.6, R.S. 56:325.3; R.S. 56:326.3; 56:325.1(A) 2 and (B).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 18:199 (February 1992), amended LR 22:238 (March 1996), LR 24:360 (February 1998), LR 26:2333 (October 2000), LR 30: .

Interested persons may submit comments relative to the proposed Rule to: Randy Pausina, Marine Fisheries Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000, prior to Thursday, March 4, 2004.

The Secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this notice of intent and the final rule, including but not limited to, the filing of the fiscal and economic impact statements, the filing of the notice of intent and final rule and the preparation of reports and correspondence to other agencies of government.

In accordance with Act #1183 of 1999, the Department of Wildlife and Fisheries/Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection with the preceding Notice of Intent: This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

Bill A. Busbice, Jr.  
Chairman

Chairman Busbice acknowledged Representative William Daniel and asked if he would like to make any comments. Representative Daniel stated this would be Secretary Jenkins' last meeting and having served on the Natural Resources Committee, he knew there were not a lot of thanks in serving the public. He then thanked Secretary Jenkins on behalf of the Legislature for the job he did as Secretary of the Department. Representative Daniel then noted there has been 8 years of great progress in communications and relationships which translated into great progress in policy. He then hoped that when Secretary Jenkins was a private citizen, they could enjoy fishing together.

Mr. Bert Jones began stating gifts from afar were brought for Secretary Jenkins. He explained that he served 4 or 5 years on the Commission with the Secretary and recognized the job that has been done. Since Secretary Jenkins would be entering a new phase in his life, there would be more time to hunt and fish. Mr. Jones then announced the Secretary would be a charter member and Chairman of CU or Crows Unlimited. Then he stated that the new administration may want Secretary Jenkins to serve as the Department's legislative liaison, but first he would need to enroll in the Dale Carnegie's School of Legislative Relations. But in all sincerity, Mr. Jones felt Secretary Jenkins exemplified what a statesman was--someone that was willing to give up personal sacrifices and make sacrifices for the State, its resources for its greatest good. He concluded thanking Secretary Jenkins for all the conservation work that has been done which would benefit future generations.

Mr. Tom Gattle stated his 6 years of service on the Commission fell within Secretary Jenkins' 8 years. During that time, Mr. Gattle stated there were never any dull moments and that he learned a lot from the Secretary. Things he learned included the difference between a snow goose and speckledbelly goose; the true definition of knucklehead; and what not to say when the microphone is open when testifying before a Legislative Committee. But Mr. Gattle stated, the most important thing learned from Secretary Jenkins was the courage it takes to stand up for something that you truly believe in no matter the consequences or personal repercussions. He also commented that Secretary Jenkins exemplifies the term "do the right thing" and respected him for it. Mr. Gattle then thanked the Secretary for what he has done for himself, the Department, the Commission and the people of Louisiana. Chairman Busbice expressed appreciation for the comments and agreed with them all.

**Declaration of Emergency - Red Snapper Recreational Season** was handled by Mr. Randy Pausina. The recreational fishing season for red snapper in Louisiana will open at 12:01 a.m., April 21, 2004 and will remain open until midnight, October 31, 2004 to coincide with dates in Federal waters. Size limits for recreational fishermen will be 16 inches minimum total length with a daily bag and possession limit of 4 fish per person. The recreational quota for red snapper is 4.47 million pounds for the Gulf of Mexico. Mr. Pausina then read the Therefore Be It Resolved portion of the Resolution. Hearing no public comments, Commissioner Sagraera made a motion to adopt the Resolution. Commissioner Felterman seconded the motion and it passed with no opposition.

(The full text of the Resolution and Declaration of Emergency are made a part of the record.)

RESOLUTION

In accordance with the emergency provisions of R.S. 49:953(B), the Administrative Procedure Act, R.S. 49:967 which allows the Wildlife and Fisheries Commission to use emergency procedures to set finfish seasons, and R.S. 56:326.3 which provides that the Wildlife and Fisheries Commission may set seasons for saltwater finfish; the Wildlife and Fisheries Commission hereby sets the following seasons for recreational harvest of red snapper in Louisiana state waters:

The season for the recreational fishery for red snapper in Louisiana state waters will remain closed until 12:01 a.m., April 21, 2004 by reducing the bag limit to zero for that time period. The season will open at 12:01 a.m., April 21, 2004 and continue until midnight October 31, 2004.

The Wildlife and Fisheries Commission authorizes the Secretary of the Department of Wildlife and Fisheries to close the recreational red snapper season when he is informed by the Regional Administrator of the National Marine Fisheries Service that the recreational red snapper quota for the Gulf of Mexico has been filled, or is projected to be filled.

The Commission also hereby authorizes the Secretary to modify the opening and closing of State dates if he is notified that the opening and closing of Federal dates are other than those specified in this declaration of emergency and to open an additional recreational red snapper season in Louisiana state waters if he is later informed that NMFS has opened an additional recreational season and to close such season when he is informed that the recreational red snapper quota for the Gulf of Mexico has been filled, or is projected to be filled.

Effective with the recreational red snapper season closure, any person, except those who possess a Class 1 or Class 2 commercial red snapper license issued by the National Marine Fisheries Service under the Federal Fishery Management Plan for the Gulf of Mexico Reef Fish and who are legally taking red snapper during an open commercial season, shall not possess any red snapper whether taken from within or without Louisiana territorial waters.

Bill A. Busbice, Jr.  
Chairman

Then Mr. Randy Pausina presented a **Declaration of Emergency - Red Snapper Commercial Season**. He stated the commercial red snapper season was broken into two seasons. The first season would open at 12 noon, February 1, 2004 and remain open until 12 noon, February 10. This would continue each month until 2/3 of the 2004 commercial quota, 3.1 million pounds, was harvested. The second season for commercial red snapper will open at 12 noon, October 1, 2004 and will close at 12 noon, October 10, 2004. This pattern

will also continue each month until the remaining 2004 quota was harvested. The minimum size limit for commercially harvested red snapper is 15 inches total length. Mr. Pausina read the Therefore Be It Resolved portion of the Resolution. Chairman Busbice asked for public comments and none were heard. Commissioner Mouton made a motion to accept the Resolution and it was seconded by Commissioner Sagrera. The motion passed unanimously.

(The full text of the Resolution and Declaration of Emergency are made a part of the record.)

#### RESOLUTION

#### 2004 COMMERCIAL RED SNAPPER SEASONS

January 8, 2004

- WHEREAS, the red snapper fishery in the Gulf of Mexico off the coast of Louisiana is cooperatively managed by the Louisiana Department of Wildlife and Fisheries (LDWF) and the National Marine Fisheries Service (NMFS) with advice from the Gulf of Mexico Fishery Management Council (Gulf Council), and
- WHEREAS, regulations promulgated by NMFS are applicable in waters of the Exclusive Economic Zone (EEZ) of the U.S., generally three miles offshore, and
- WHEREAS, rules will be established by NMFS, to provide for commercial harvest seasons for red snapper in the EEZ off of Louisiana, and
- WHEREAS, the Department of Wildlife and Fisheries receives notice from the Gulf Council and NMFS requesting consistent regulations in Louisiana state waters which are preferable as they assist in enforcement of fishery rules, and
- WHEREAS, in order to enact regulations in a timely manner so as to have compatible regulations in place in Louisiana waters for the 2004 commercial red snapper season, it is necessary that emergency rules be enacted, and
- WHEREAS, R.S. 49:953(B) and R.S. 49:967 allow the Wildlife and Fisheries Commission to use emergency procedures to set finfish seasons, and
- WHEREAS, R.S. 56:326.3 provides that the Wildlife and Fisheries Commission may set seasons for saltwater finfish,

Nothing herein shall preclude the legal harvest of red snapper by legally licensed recreational fishermen. Effective with any commercial closure, no person shall commercially harvest, transport, purchase, barter, trade, sell or attempt to purchase, barter, trade or sell red snapper, whether taken from within or without Louisiana territorial waters. Effective with the closure, no person shall possess red snapper in excess of a daily bag limit, whether taken from within or without Louisiana territorial waters. Provided however that fish in excess of the daily bag limit which were legally taken prior to the closure may be purchased, possessed, transported, and sold by a licensed wholesale/retail dealer if appropriate records in accordance with R.S. 56:306.5 and R.S. 56:306.6 are properly maintained, and those other than wholesale/retail dealers may purchase such fish in excess of the daily bag limit from wholesale/retail dealers for their own use or for sale by a restaurant as prepared fish.

Bill A. Busbice, Jr.  
Chairman

The last item by Mr. Randy Pausina was a **Declaration of Emergency - King Mackerel Commercial Season**. The commercial season for king mackerel will open at 12:01 a.m., July 1, 2004 and will remain open until the 1.01 million pound quota has been harvested or was projected to be harvested. Then Mr. Pausina read the Therefore Be It Resolved portion of the Resolution. No public comments were heard on this proposed action. Commissioner Feltermann made a motion to adopt the Resolution. Commissioner Mouton seconded the motion and it passed with no opposition.

(The full text of the Resolution and Declaration of Emergency are made a part of the record.)

#### RESOLUTION

#### 2004 COMMERCIAL KING MACKEREL SEASON

January 8, 2004

WHEREAS, the king mackerel fishery in the Gulf of Mexico off the coast of Louisiana is cooperatively managed by the Louisiana Wildlife and Fisheries Commission, the Department of Wildlife and Fisheries (LDWF) and the National Marine Fisheries Service (NMFS) with advice from the Gulf of Mexico Fishery Management Council (Gulf Council), and

WHEREAS, regulations promulgated by NMFS are applicable in waters of the Exclusive Economic Zone (EEZ) of the U. S., which in Louisiana is generally three miles offshore, and



by emergency rule, and R.S. 56:6(25)(a) and 56:326.3 which provide that the Wildlife and Fisheries Commission may set seasons for saltwater finfish; the Wildlife and Fisheries Commission hereby sets the following season and trip limit for the commercial harvest of king mackerel in Louisiana state waters:

The commercial season for king mackerel in Louisiana state waters will open at 12:01 a.m., July 1, 2004 and remain open until the allotted portion of the commercial king mackerel quota for the Western Gulf of Mexico has been harvested or projected to be harvested.

The Commission grants authority to the Secretary of the Department of Wildlife and Fisheries to close the commercial king mackerel season in Louisiana state waters when he is informed by the National Marine Fisheries Service (NMFS) that the commercial king mackerel quota for the Western Gulf of Mexico has been harvested or is projected to be harvested, such closure order shall close the season until 12:01 a.m., July 1, 2005, which is the date expected to be set for the re-opening of the 2005 commercial king mackerel season in Federal waters.

The Commission also authorizes the Secretary to open an additional commercial king mackerel season in Louisiana state waters if he is informed that NMFS has opened an additional season and to close such season when he is informed that the commercial king mackerel quota for the western Gulf of Mexico has been filled, or is projected to be filled.

Nothing herein shall preclude the legal harvest of king mackerel by legally licensed recreational fishermen. Effective with any closure, no person shall commercially harvest, transport, purchase, barter, trade, sell or attempt to purchase, barter, trade or sell king mackerel, whether taken from within or without Louisiana territorial waters. Effective with the closure, no person shall possess king mackerel in excess of a daily bag limit, whether taken from within or without Louisiana territorial waters. Provided however that fish in excess of the daily bag limit which were legally taken prior to the closure may be purchased, possessed, transported, and sold by a licensed wholesale/retail dealer if appropriate records in accordance with R.S. 56:306.5 and R.S. 56:306.6 are properly maintained. Those other than wholesale/retail dealers may purchase such fish in excess of the daily bag limit from wholesale/retail dealers for their own use or for sale by a restaurant as prepared fish.

Bill A. Busbice, Jr.  
Chairman

**Declaration of Emergency and Notice of Intent - Designation of Additional Lake Borgne Public Oyster Seed Grounds** was submitted by

Mr. Patrick Banks. The proposed action would designate additional acreage to become part of the Lake Borgne Public Oyster Seed Ground. Lake Borgne is located east of Lake Pontchartrain and east of New Orleans. The oyster availability in Lake Borgne has decreased nearly 70 percent since 2001. Significant new resources have been reported and found in three new areas. Since these areas are not currently part of the public seed grounds, no mechanism was available to harvest the resource. The oyster industry has asked the Department to include these three areas into the public seed ground system to allow for harvest. Mr. Banks noted a copy of a letter from the Oyster Task Force supporting the action was included in their packets. The Declaration of Emergency would put these areas under the Department's management immediately and would open the area for harvest one-half before sunrise on Monday, January 12, 2004. Mr. Banks then read the Therefore Be It Resolved portion of the Resolution.

Mr. George Barisich, President, United Commercial Fisherman's Association, stated they polled the oyster membership and 97 percent were in favor of the action.

Hearing no further comments, Commissioner Felterman made a motion to accept the Resolution and it was seconded by Commissioner Broussard. The motion passed with no opposition.

(The full text of the Resolution, Declaration of Emergency and Notice of Intent are made a part of the record.)

#### RESOLUTION

##### DESIGNATION OF ADDITIONAL LAKE BORGNE PUBLIC OYSTER SEED GROUNDS

January 8, 2004

- WHEREAS, R.S. 56:6(12) provides that the Commission shall improve, enlarge, and protect the natural oyster reefs of this state as conditions may warrant, and
- WHEREAS, R.S. 56:434(A) provides that the Commission shall designate and set aside area from the water bottoms of the state as it judges best adapted to the planting, propagation, growth, and policing of seed oysters, and
- WHEREAS, the oyster resource availability on the public oyster seed grounds in the Lake Borgne area has fallen to roughly 30% of levels measured in 2001, and
- WHEREAS, portions of un-leased water bottoms in Lake Borgne that are not part of the current Lake Borgne Public Oyster

fiscal and economic impact statement, the filing of the notice of intent and final rule and the preparation of reports and correspondence to other agencies of government.

Interested persons may submit written comments relative to the proposed rule until 4:30 p.m., March 4, 2004 to Mr. Patrick D. Banks, Department of Wildlife and Fisheries, Marine Fisheries Division, Box 98000, Baton Rouge, LA, 70898-9000.

In accordance with Act 1183 of 1999, the Department of Wildlife and Fisheries/Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection with the preceding Notice of Intent: This Notice of Intent will have no impact on the six criteria set out in R.S. 49:972(B).

Bill A. Busbice, Jr.  
Chairman

The next agenda item, **Consideration of Offshore Territorial Sea Shrimp Closure** was handled by Mr. Marty Bourgeois. The Declaration of Emergency would close to shrimping the offshore territorial waters from the western shore of Freshwater Bayou Canal to the eastern shore of Belle Pass at Bayou Lafourche. This action would become effective at 6 a.m, Monday, January 12, 2004 if approved. Recent data shows the water temperature remains below 15°C and the growth rates at these temperatures are inhibited. Overwintering white shrimp are averaging smaller than the minimum legal count of 100 count per pound. Additional white shrimp are expected to recruit to these areas within the next few months, so this action would protect these shrimp and allow them the chance to grow to a larger and more valuable size. The Declaration of Emergency would authorize the Secretary to close any additional waters if there is a need or to reopen any area when a closure is no longer necessary. This action also authorizes the Secretary to open and close special shrimp seasons in inside waters if there was no impact to the brown shrimp. This year's action is occurring one month earlier than previous years and it also extends the closure area further to Belle Pass, commented Mr. Bourgeois. Chairman Busbice asked Mr. Bourgeois to read the Therefore Be It Resolved portion of the Resolution. Commissioner Sagrera asked if he understood that this action was occurring one month earlier than last year? Mr. Bourgeois answered yes. Hearing no further comments, Commissioner Sagrera made a motion to accept the Resolution and it was seconded by Commissioner Mouton. No opposition was noted on this motion.

(The full text of the Resolution and Declaration of Emergency are made a part of the record.)

RESOLUTION

The Wildlife and Fisheries Commission authorizes the Secretary of the Department of Wildlife and Fisheries to close to shrimping, if necessary to protect small white shrimp, any part of remaining state outside waters, if biological and technical data indicate the need to do so, and to reopen any area closed to shrimping when the closure is no longer necessary; and hereby authorizes the Secretary of the Department of Wildlife and Fisheries to open and close special shrimp seasons in any portion of state inside waters where such a season would not detrimentally impact small brown shrimp.

Bill A. Busbice, Jr.  
Chairman

The Commissioners agreed to hold the **May 2004 Meeting** on Thursday, May 6, 2004, beginning at 10:00 a.m. at the Baton Rouge Headquarters.

Then Chairman Busbice stated the Commission wanted to move the March Meeting to Toledo Bend. He then asked Mr. John Roussel to check into meeting facilities. Mr. Roussel stated the Commission has met before at the State Park, but added he knew of several other places that could accommodate the meeting. Onto a different meeting, Commissioner Sagraera stated he would be out of the country and unable to attend the February Commission Meeting.

Chairman Busbice then asked for **Public Comments**. Mr. James Patton stated he has known Secretary Jenkins for about 20 years and has a perspective of him that may be different from anyone else. He then reported that the state of the Department at the end of the Secretary's tenure was good and financially sound. Mr. Patton then added that he has built a record of the Department's success over the past four years. When the transition document was being assembled, Mr. Patton was asked to list the accomplishments under Governor Foster which coincided with Secretary Jenkins' administration. The document submitted was over 40 pages, but had to be reduced to 8. If anyone would read that document, they would be proud that Secretary Jenkins was in charge of the agency over the last 8 years. Mr. Patton then presented a plaque of appreciation for his most recent 8 years of service.

Mr. Richard Lipsey stated the hunting and fishing industry has kept him in business and helped him earn a living. He then noted he has known Secretary Jenkins and have hunted and fished with him for almost 50 years. Secretary Jenkins took on 8 years of public service at a time in his life when he could have retired. These years with Secretary Jenkins have stabilized the Department, he has stuck to his guns and got done what he believed was in the best interest of the sportsmen. Mr. Lipsey then congratulated and thanked Secretary Jenkins on behalf of the sportsmen.

Mr. Cornell Arceneaux stated he was a mere mortal, but that Secretary Jenkins was not. One of the accomplishments Secretary Jenkins has achieved was the number of people he has gotten involved and kept involved. Mr. Arceneaux then thanked Secretary Jenkins.

Mr. Brian King stated on behalf of Delta Waterfowl they wanted to thank Secretary Jenkins for his support over the last 8 years. He also expressed thanks for what has been done for fish and game in the State of Louisiana.

Mr. Jeff Angers stated he has known Secretary Jenkins personally for a long time. Even though it may be hard to defend the Secretary's bedside manner, he always took care of business, commented Mr. Angers. Secretary Jenkins was then presented with a Zebco rod and reel that needed a little attention. Twenty years ago, Secretary Jenkins was one of 14 members concerned with the population of redfish and so he began a club called GCCA. That club now is called CCA and has 32,000 members and volunteers throughout the State. Another presentation a rod from Falcon rods along with a gold reel was given to the Secretary and he was told by Mr. Angers to go fishing!

Col. Winton Vidrine stated Secretary Jenkins was a good Secretary for the Department because he did the right things for the right reasons. He then introduced Lt. Darryl Moore, President of Wildlife Agents Association. Col. Vidrine then thanked Secretary Jenkins for all that he has done. Lt. Moore expressed gratitude on behalf of the agents across the state and their families for the dedication and service to the Enforcement Division and the Department. He then presented Secretary Jenkins with an engraved gun similar to those carried by the agents.

Commissioner Mouton stated he read Secretary Jenkins' final comments in the Louisiana Conservationist and felt it was interesting a story from the Baton Rouge newspaper referred to the Secretary and the Governor as old fishing buddies and this was how he became Secretary of the Department. This story was not true. When invited on a duck hunt by Commissioner Mouton, Secretary Jenkins explained the problems with the Department to the Governor. The Governor felt he was the best person for the job, but Secretary Jenkins stated he did not want it more than one time. As Commissioner Mouton stated, the rest is history. He then read an editorial that ran in the Louisiana State Newspapers that day entitled "Jimmy Jenkins Brought Great Reforms to LDWF".

Chairman Busbice stated Secretary Jenkins has an ability to look at problems from different angles and helps to solve them.

Secretary Jenkins stated he did not start fishing until the early 1980's. In the mid-80's, he went to a Commission Meeting in Crowley to talk about redfish, but no one wanted to pay attention

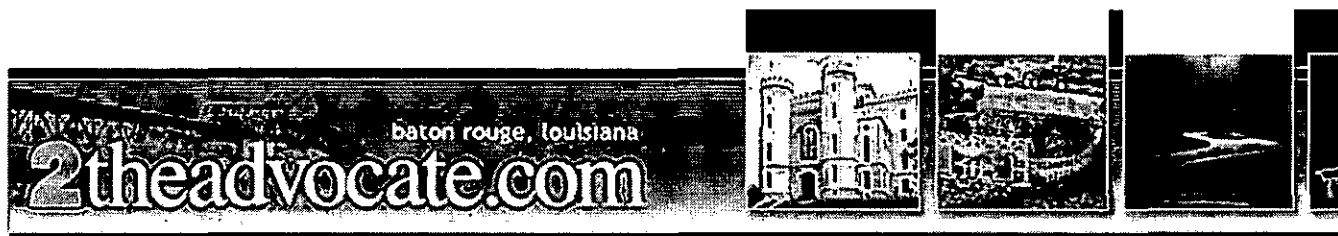
to the problem. That is when GCCA was formed. He wrote then Governor Edwards and told him someone should be appointed to the Commission that cared, so the Governor appointed him. This Commission Meeting was number 166 for Secretary Jenkins. During the time of Secretary Jenkins' appointment to the Commission, when shrimp was on the agenda, the room would fill up. But today, this does not occur since the fishermen trust the Department and feels the Department has the industry and the resources best interest in mind. He then thanked the Commission and the Governor for being supportive of the Department and those resources. The Secretary also thanked the employees of the Department. He felt the employees in this Department are very conscientious and concerned about their jobs. Finally, Secretary Jenkins thanked the Press for giving the Department a fair shake every week.

There being no further business, Commissioner Denmon made a motion to **Adjourn** the meeting and it was seconded by Commissioner Sagrera.

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Dwight Landreneau  
Secretary

DL:sch



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## 2theadvocate Outdoors

### LWFC defeats daily trout limit restriction

By JOE MACALUSO

[jmacaluso@theadvocate.com](mailto:jmacaluso@theadvocate.com)

Advocate outdoors writer

The Louisiana Wildlife and Fisheries Commission turned aside a move that would have imposed a size and daily limit restriction on trophy-sized speckled trout at its monthly meeting Thursday.

Proposed by commission member Terry Denmon from Monroe, a Notice of Intent would limit an angler's catch to no more than five trout measuring more than 25 inches among the long-standing 25-trout daily creel limit.

In December, with Denmon as its chairman, the LWFC passed a Declaration of Emergency with those creel limits for Calcasieu Lake and Sabine Lake and surrounding areas, including state waters out to three miles from the Mermentau River to the Louisiana-Texas line.

Commission member Henry Mouton proposed an amendment to Thursday's Notice of Intent to limit the notice to those areas included in the Declaration of Emergency. The amended notice passed by a 4-2 vote with newly elected chairman Bill Busbice, Mouton, Wayne Sagrera and newly appointed commission member Billy Broussard from Pecan Island voting for, and Denmon and Lee Felterman voting against. Retired physician Dr. Jerry Stone, who offered an amendment to change the 25-plus-inch limit from one to five per day in the Declaration of Emergency, was the only absent commission member. Stone underwent a medical procedure Thursday.

Current statewide regulations have a 25-per-day trout limit with a 12-inch minimum size. December's Declaration of Emergency, which went into effect last month, added the five-trout, 25-inches or longer trout to only the Calcasieu and Sabine areas.

Mouton's amendment followed comments by Coastal Conservation Association-Louisiana executive director Jeff Angers.

Angers said the original intent of the new size limit within the creel limit came from CCA volunteers in Lake Charles, Crowley, Alexandria, Shreveport and

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Monroe. He said membership in those chapters wanted to put a limit on the take of trophy-sized trout from the Calcasieu and Sabine lakes.

"(CCA members) in those cities support the action there (Calcasieu and Sabine) because they saw a need to address a problem there. We do not recognize a similar problem statewide," Angers said.

The notice has a 120-day public comment period, but will be submitted to the Legislative Oversight Committee in about 40 days. The earliest the notice can be ratified by the LWFC is during its May 6 meeting in Baton Rouge.

In other action and by unanimous votes, the commission ratified an April 21-Oct. 31 recreational red snapper season for this year, approved respective spring and fall commercial red snapper seasons for the first 10 days of each month beginning in February and in October and a July 1 opening for the 2004 commercial king mackerel season. The dates for these seasons mirrors dates allowed by the National Marine Fisheries Service through the Gulf of Mexico Fisheries Management Council.

The commission also approved the addition of 32,535 acres to the Lake Borgne Public Oyster See Grounds so that oystermen could harvest marketable-sized oysters from those unleased areas.

The LWFC also passed a 6 a.m. Jan 12 close to shrimping in "outside" waters from Belle Pass west to the western shoreline of Freshwater Bayou. The closure comes one month earlier than in past years and is a much larger area, too. In recent years, the closure went from the Atchafalaya River to Freshwater Bayou.

The commission voted to move its March 4 meeting from Baton Rouge to Toledo Bend.

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COMMISSION MEETING  
ROLL CALL

Thursday, January 8, 2004  
Baton Rouge, LA  
Wildlife & Fisheries Building

		Attended	Absent
y	Bill Busbice (Chairman)	<u>✓</u>	<u>      </u>
N	Lee Felterman	<u>✓</u>	<u>      </u>
N	Terry Denmon	<u>✓</u>	<u>      </u>
y	Billy Broussard	<u>✓</u>	<u>      </u>
y	Wayne Sagrera	<u>✓</u>	<u>      </u>
	Jerry Stone	<u>      </u>	<u>✓</u>
y	Henry Mouton	<u>✓</u>	<u>      </u>

Mr. Chairman:

There are 6 Commissioners in attendance and we have a quorum.  
Secretary Jenkins is also present.

AGENDA  
LOUISIANA WILDLIFE AND FISHERIES COMMISSION  
BATON ROUGE, LA  
January 8, 2004  
10:00 AM

1. Roll Call
2. Approval of Minutes of December 4, 2003
3. Commission Special Announcements
4. Enforcement & Aviation Reports/December - Keith LaCaze
5. Notice of Intent - Spotted Seatrout Regulations -  
Recreational Size and Bag Limit - Commissioner Mouton
6. Declaration of Emergency - Red Snapper Recreational  
Season - Randy Pausina
7. Declaration of Emergency - Red Snapper Commercial Season  
- Randy Pausina
8. Declaration of Emergency - King Mackerel Commercial  
Season - Randy Pausina
9. Declaration of Emergency and Notice of Intent -  
Designation of Additional Lake Borgne Public Oyster Seed Grounds -  
Patrick Banks
10. Consideration of Offshore Territorial Sea Shrimp Closure  
- Marty Bourgeois
11. Set May 2004 Meeting Date
12. Public Comments
13. Adjournment

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- ✓11. Set May 2004 Meeting Date
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13. Adjournment

# **ENFORCEMENT CASE REPORT**

**DECEMBER, 2003**

**REGION 1 MINDEN****PARISHES BIENVILLE BOSSIER  
CADDO CLAIBORNE  
WEBSTER RED RIVER  
DESOTO**

<b>TOTAL CASES</b>	<b>98</b>
<b>TOTAL</b>	<b>DESCRIPTION OF CITATION</b>
6	Boating Safety
3	Angling W/O Resident License
1	Angling W/O License – Non Resident
1	Take Illegal Size Black Bass
1	Sell And/Or Buy Fish W/O Wholesale/Retail Dealers' License
1	Restaurant Buy Fish From Other Than Wholesale/Retail Seafood Dealer
1	Failure To Maintain Records
1	Fail To Report Commercial Fishery Data
1	Buying Or Selling For Resale Untagged Oysters
1	Violate Sanitation Code
6	Hunting W/O Resident License
1	Hunting W/O Non Resident License
8	Hunting From A Moving Vehicle
2	Hunt W/Unplugged Gun
1	Hunt Stand, Loiter From A Public Road
1	Fail To Comply W/Hunter Safety Regulations

4	Hunt W/O Resident Big Game License
1	Hunt W/O Non Resident Big Game License
9	Hunt Or Take Deer Illegal Hours Or With Artificial Light
12	Hunt Deer From A Public Road
1	Hunt Or Take Illegal Deer Open Season
1	Field Possession Of Deer Meat W/O Tag
9	Failure To Wear Hunter s Orange
2	Violate Migratory Bird Treaty Act
1	Hunt Ducks W/O Federal Stamp
2	Hunt MGB Over Baited Area
3	Not Abiding By Rules And Regulations On WMA
1	Resisting An Officer
4	Illegal Spotighting From Public Road
5	Littering
1	Other Than Wildlife And Fisheries
1	Misrepresentation During Issuance Of Misdemeanor
5	Discharge Firearm From Public Road

#### WRITTEN WARNINGS

TOTAL 9	DESCRIPTION OF CITATION
1	Boating Safety

<b>1</b>	<b>Hunting W/O Resident License</b>
<b>2</b>	<b>Failure To Wear Hunter's Orange</b>
<b>2</b>	<b>Failure To Abide By Rules And Regulations On WMA</b>
<b>3</b>	<b>Hunt On WMA W/O Hunting Permit</b>

**CONFISCATIONS:**

<b>CONFISCATION DESCRIPTION</b>
<b>1 Remington 870, 12 Ga; 1 Remington 30-06; 1-4 Hp. Yamaha Motor; Deer Parts; 1 Mallard; 1 Arminuis 357 Mag. Pistol; 1 Black Bass (Released); 1 Weatherby Vanguard 30-06; 1 Buck Deer; 2 Bald Eagle Leg Bones/Bands</b>

**TOTAL OF EACH CATEGORY FOR REGION I:**

<b>TOTAL</b>	<b>DESCRIPTION</b>
<b>6</b>	<b>Boating</b>
<b>6</b>	<b>Commercial Fishing</b>
<b>5</b>	<b>Federal Migratory</b>
<b>5</b>	<b>Littering</b>
<b>15</b>	<b>Miscellaneous</b>
<b>5</b>	<b>Recreational Fishing</b>
<b>56</b>	<b>State Hunting/Trapping</b>
<b>9</b>	<b>Written Warnings</b>

**TOTAL NUMBER FOR PUBLIC ASSISTANCE:**

<b>TOTAL</b>	<b>DESCRIPTION</b>
<b>0</b>	<b>Public Assistance</b>



**REGION 2: MONROE****PARISHES: E. CARROLL, JACKSON,  
LINCOLN, MOREHOUSE,  
OUACHITA, RICHALND,  
UNION, W. CARROLL**

<b>TOTAL CASES</b>	<b>71</b>
<b>TOTAL</b>	<b>DESCRIPTION OF CITATION</b>
2	Boating
4	Hunt MGB Illegal Hours
1	Hunt W/O Resident Big Game License
2	Failure To Abide By Commission Rules (Inaccurate Records)
1	Obtain License Or Engage In Activity During Revocation Period
2	Failure To Wear Hunter's Orange
1	Take Illegal Size Black Bass
2	Fail To Maintain Sex Identification
2	Sell And/Or Buy Fish W/O Wholesale/Retail Dealer's License
3	Hunt, Stand Or Loiter From Public Road
1	Obtain License By Fraud
1	Hunt W/O Non-Resident License
1	Hunt W/O Non-Resident Big Game License
1	Take Illegal Deer Open Season
2	Fail To Comply With Tagging Requirements (Federal)
2	Operate ATV On Pubic Road

3	Hunt MGB W/O Federal Duck Stamp
3	Hunt or Take Deer Illegal Hours
1	Obstruction Of Justice (Felony)
2	Hunt From A Moving Vehicle
9	Hunt Deer From A Public Road
6	Angle W/O A Resident License
1	Angle W/O A Non-Resident License
1	Hunt ON WMA W/O WMA Permit
3	Hunt W/O Resident Basic License
2	Hunt W/O A State Duck Stamp
12	Not Abiding By Rules And Regulations On WMA

**WRITTEN WARNINGS:**

TOTAL 3	DESCRIPTION OF CITATION
1	Failure To Wear Hunter's Orange
2	Not Abiding By WMA Rules And Regulations

**CONFISCATIONS:**

CONFISCATION DESCRIPTION
1-Rem. Model 760 .243 Rifle With Simmons Scope; 1-2003/2004 Resident Hunting License, 2-Mallard Ducks, 1-12 Gauge Single Barrel Shotgun, 2-Deer, 1-Black Bass, 360 Pounds Buffalo Fish, 275 Pounds Catfish, 15 Pounds Catfish Fillets, DMAP Tags And Records

**TOTAL OF EACH CATEGORY FOR REGION 2:**

<b>TOTAL</b>	<b>DESCRIPTION</b>
<b>2</b>	<b>Boating</b>
<b>2</b>	<b>Commercial Fishing</b>
<b>11</b>	<b>Federal Migratory</b>
<b>-0-</b>	<b>Littering</b>
<b>2</b>	<b>Miscellaneous</b>
<b>9</b>	<b>Recreational Fishing</b>
<b>45</b>	<b>State Hunting/Trapping</b>
<b>3</b>	<b>Written Warnings</b>

**TOTAL NUMBER FOR PUBLIC ASSISTANCE:**

<b>TOTAL</b>	<b>DESCRIPTION</b>
<b>6</b>	<b>Public Assistance (Assisting Stranded Motorists And Boaters)</b>

**REGION 3: ALEXANDRIA****PARISHES: AVOYELLES, GRANT,  
NATCHITOCHES,  
RAPIDES, SABINE,  
VERNON, WINN**

<b>TOTAL CASES</b>	<b>162</b>
<b>TOTAL</b>	<b>DESCRIPTION OF CITATION</b>
<b>10</b>	<b>Running Deer Dogs During Still Hunt Season</b>
<b>5</b>	<b>Hunt, Stand, Loiter From Public Road</b>
<b>9</b>	<b>Hunt Deer Illegal Methods</b>
<b>5</b>	<b>Take Over Limit Of Ducks</b>
<b>2</b>	<b>Hunt With Unplugged Gun</b>
<b>25</b>	<b>Hunt Deer From Public Road</b>
<b>11</b>	<b>Failure To Wear Hunter's Orange</b>
<b>9</b>	<b>Hunt W/O Resident Big Game License</b>
<b>13</b>	<b>Hunting From Moving Vehicle</b>
<b>11</b>	<b>Hunting Deer Illegal Hours</b>
<b>1</b>	<b>Failure To Tag Antlerless Deer On DMAP Land</b>
<b>7</b>	<b>Hunting W/O Resident License</b>
<b>3</b>	<b>Possession Of Illegally Taken Deer</b>
<b>2</b>	<b>Hunting MGB Illegal Hours</b>
<b>1</b>	<b>Violate Non-Toxic Shot Requirements</b>
<b>5</b>	<b>Hunt/Take Illegal Deer Open Season</b>

<b>1</b>	<b>Hunt MGB With Unplugged Gun</b>
<b>1</b>	<b>Take Non-Game Birds</b>
<b>4</b>	<b>Discharge Firearm From Public Road</b>
<b>1</b>	<b>Hunt MGB W/O State MGB License</b>
<b>1</b>	<b>Hunt Deer With Illegal Weapon</b>
<b>1</b>	<b>Obtain License Fraudulently</b>
<b>4</b>	<b>Failure To Comply With PFD Requirements</b>
<b>3</b>	<b>Improper Running Lights</b>
<b>1</b>	<b>Littering</b>
<b>1</b>	<b>Possession Of Firearm By Convicted Felon</b>
<b>2</b>	<b>Operate ATV On Public Road</b>
<b>2</b>	<b>Simple Possession Of Marijuana</b>
<b>1</b>	<b>Possession Of Drug Paraphernalia</b>
<b>1</b>	<b>Illegal Possession Of Schedule IV Drugs</b>
<b>2</b>	<b>R/R Loaded Gun In Vehicle</b>
<b>2</b>	<b>Hunt On WMA W/O WMA Permit</b>
<b>1</b>	<b>R/R Hunt From Permanent Deer Stand</b>
<b>3</b>	<b>Open Container</b>
<b>1</b>	<b>R/R Leave Deer Stand Overnight</b>
<b>2</b>	<b>Trespass In Closed Hunting Area</b>

<b>2</b>	<b>Trap FBA W/O Resident License</b>
<b>6</b>	<b>Angling W/O A License</b>

**WRITTEN WARNINGS:**

<b>TOTAL</b>	<b>DESCRIPTION OF CITATION</b>
<b>1</b>	<b>Hunting W/O Resident License</b>

**CONFISCATIONS:**

<b>CONFISCATION DESCRIPTION</b>
<b>Deer-7, Rifles-8, Shotguns-1, Lights-3, DMAP Tags-9, Ducks-32</b>

**TOTAL OF EACH CATEGORY FOR REGION 3:**

<b>TOTAL</b>	<b>DESCRIPTION</b>
<b>7</b>	<b>Boating</b>
<b>0</b>	<b>Commercial Fishing</b>
<b>1</b>	<b>Littering</b>
<b>10</b>	<b>Miscellaneous</b>
<b>6</b>	<b>Recreational Fishing</b>
<b>127</b>	<b>State Hunting/Trapping</b>
<b>1</b>	<b>Written Warnings</b>
<b>11</b>	<b>Federal Hunting</b>

**TOTAL NUMBER FOR PUBLIC ASSISTANCE:**

<b>TOTAL</b>	<b>DESCRIPTION</b>
<b>2</b>	<b>Public Assistance</b>

**REGION 4: FERRIDAY****PARISHES: CALDWELL, CATAHOULA,  
CONCORDIA, FRANKLIN,  
LASALLE, MADISON, TENSAS**

<b>TOTAL CASES</b>	<b>122</b>
<b>TOTAL</b>	<b>DESCRIPTION OF CITATION</b>
3	Boating Safety Violations
8	Hunting W/O Resident License
2	Hunting W/O Non-Resident License
3	Failure To Abide By Commission Rules And Regulations
5	Hunting From Moving Vehicle
4	Hunt Wild Quadrupeds Illegal Hours
3	Hunt From Public Road, Right Of Way
10	Hunt W/O Resident Big Game License
1	Hunt W/O Non-Resident Big Game License
4	Hunt Or Take Deer Illegal Hours With Artificial Light
3	Hunt Or Take Deer From Public Road
1	Hunt Or Take Illegal Deer Open Season
3	Possession Of Illegally Taken Deer Open Season
19	Fail Comply W/Hunter's Orange Regulations
1	Hunt W/O Resident Muzzleloader License Non-Resident
5	Hunt On DMAP Lands W/O Permit From Owner/Lessee



3	Hunting Ducks W/O Federal Stamp
1	Possession Of Freshly Killed MGB Closed Season
1	Violate Non-Toxic Shot Requirement
1	Hunt MGB W/O State Migratory License
1	Hunt MGB W/O State Hunting License
2	Violate National Wildlife Regulations
18	Not Abiding By Rules And Regulations On WMA
1	Hunt On WMA W/O WMA Hunting Permit
1	Resisting An Officer
2	Illegal Possession Of Drugs Or Marijuana
1	Operating A Vessel While Intoxicated
7	Littering
5	Other Than Wildlife And Fisheries
2	Operate ATV Vehicle On Public Road
1	Discharge Firearm From Public Road

**WRITTEN WARNINGS:**

<b>TOTAL 6</b>	<b>DESCRIPTION OF CITATION</b>
1	Hunting W/O Resident License
2	Fail Comply W/Hunters Orange Regulations
1	Improper Running Lights

2	Not Abiding By Rules & Regulations On WMA
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**CONFISCATIONS:**

CONFISCATION DESCRIPTION
6 Deer; 7 Ducks; 2 Rabbits; 2 Headlights; Boat, Motor And Trailer; 1 Shotgun; 4 Rifles

**TOTAL OF EACH CATEGORY FOR REGION 4:**

TOTAL	DESCRIPTION
3	Boating
0	Commercial Fishing
9	Federal Migratory
7	Littering
9	Miscellaneous
0	Recreational Fishing
94	State Hunting/Trapping
6	Written Warnings

**TOTAL NUMBER FOR PUBLIC ASSISTANCE:**

TOTAL	DESCRIPTION
5	Public Assistance

**REGION 5: LAKE CHARLES****PARISHES: BEAUREGARD, CALCASIEU,  
EVANGELINE, ALLEN,  
CAMERON, ACADIA,  
VERMILION, JEFF DAVIS**

<b>TOTAL CASES</b>	<b>165</b>
<b>TOTAL</b>	<b>DESCRIPTION OF CITATION</b>
26	Boating
2	Angling W/O A License
2	Angling W/O A License Non-Resident
1	Sell And/Or Buy Fish W/O Wholesale Retail Dealer's License (Res.)
1	Fail To Maintain Records
1	Transport W/O Required License (Res.)
11	Hunting W/O Resident License
1	Hunting W/O Non-Resident License
2	Hunting W/Unplugged Gun Or Silencer
15	Hunt, Stand, Loiter From Public Road
10	Hunting From Moving Vehicle
12	Hunting Wild Quadrupeds And/Or Wild Birds Illegal Hours
2	Possess Live Wild Quadrupeds W/Birds W/O Permit
4	Hunting W/O Res. Big Game License
2	Hunt Or Take Deer Illegal Hours

<b>2</b>	<b>Hunt Deer Illegal Methods</b>
<b>9</b>	<b>Hunt Or Take Deer From Public Road</b>
<b>2</b>	<b>Hunt Or Take Illegal Deer Open Season</b>
<b>1</b>	<b>Hunt Or Take Deer W/Illegal Weapon</b>
<b>1</b>	<b>Fail To Maintain Sex ID</b>
<b>8</b>	<b>Fail To Wear Hunter's Orange</b>
<b>4</b>	<b>Hunting Ducks Or Geese W/O Federal Stamp</b>
<b>2</b>	<b>Hunting MGB W/Unplugged Gun</b>
<b>4</b>	<b>Hunting MGB W/O State Stamp</b>
<b>11</b>	<b>Hunting MGB Illegal Hours</b>
<b>3</b>	<b>Hunting MGB Over Baited Area Or By Aid Of Baiting</b>
<b>1</b>	<b>Hunting MGB From A Vehicle</b>
<b>3</b>	<b>Hunting MGB From Moving Boat</b>
<b>5</b>	<b>Violate Non-Toxic Shot Requirement</b>
<b>1</b>	<b>Hunting Doves Closed Season</b>
<b>2</b>	<b>Take/Possess Over Limit Of Ducks</b>
<b>1</b>	<b>Taking Ibis No Season</b>
<b>1</b>	<b>Hunting MGB From Public Road</b>
<b>2</b>	<b>Miscellaneous Federal Violations</b>

6	Not Abiding By Rules/Regulations On WMA
1	Littering
2	Operate ATV Vehicle On Public Road
1	Discharge Firearm From Public Road

**CONFISCATIONS:**

CONFISCATION DESCRIPTION
2 Rods; 2 Reels; 4 Rabbits; 3 Squirrels; 3 Flying Squirrels; 8 Shotgun; 2 Scopes; 8 Rifles; 1 Air Rifle; 3 Pellet Guns; 3 Q -Beams; 2 Flashlights; 41 Lead Shot Shells; 46 Bullets; 16 Shotgun Shells; 2 Boxes Air Pellets; 1 Camo. Pouch W/6 – 300 Magnum Bullets; 4 Fired Hulls; 1 – 5 Gallon Bucket Of Molasses And Whole Corn; 1 Black Garbage Bag W/Sweet Feed; 2 Gallon Bag Bran W/Mixed Corn; 1 Dove; 3 Doe Deer; 1 Whitetail Deer; 24 Geese; 1 Ibis; 2 Woodcocks; 20 Ducks; 2 Homemade Squirrel Cages

**TOTAL OF EACH CATEGORY FOR REGION 5:**

TOTAL	DESCRIPTION
26	Boating
3	Commercial Fishing
40	Federal Migratory
1	Littering
3	Miscellaneous
4	Recreational Fishing
82	State Hunting/Trapping
0	Written Warnings
6	Wildlife Management

**TOTAL NUMBER FOR PUBLIC ASSISTANCE:**

<b>TOTAL</b>	<b>DESCRIPTION</b>
<b>4</b>	<b>Public Assistance</b>

**REGION 6: OPELOUSAS**

**PARISHES: IBERIA, IBERVILLE,  
-PT. COUPEE, LAFAYETTE,  
ST. LANDRY, ST. MARTIN,  
W.B.R.**

<b>TOTAL CASES</b>	<b>213</b>
<b>TOTAL</b>	<b>DESCRIPTION OF CITATION</b>
17	Boating
4	Violate Recreational Gear License Requirements
7	Fail To Display Hunter's Orange
7	Hunt W/O Resident License
4	Fail To Comply With Hunter Safety Regulations
8	Hunt W/O Resident Big Game License
4	Hunt On WMA W/O WMA Hunting Permit
5	Failure To Abide By Commission Rules
6	Hunt MGB Illegal Hours
9	Not Abiding By Rules/Regulations On WMA
1	Possess Live Wild Quadruped W/O Permit
1	Littering
6	Hunt On DMAP Lands W/O Permit From Owner/Lessee
6	Possession Of Firearm While In Possession Of Controlled Dangerous Substance
6	Possession Of Methamphetamines
6	Possession Of Marijuana

21	<b>Hunt From Moving Vehicle</b>
9	<b>Hunt Wild Quadrupeds Illegal Hours With Artificial Light</b>
6	<b>Possession Of Drug Paraphernalia</b>
1	<b>Use Gear W/O Recreational Gear License</b>
7	<b>Angling W/O License</b>
1	<b>Take/Possess Over Limit Of Ducks</b>
1	<b>Injuring Public Records</b>
1	<b>Filing False Public Records</b>
3	<b>Hunt Raccoons Illegally</b>
8	<b>Not Abiding By Rules/Regulations</b>
1	<b>Possess Buckshot During Closed Deer Season</b>
1	<b>Taking Grebe – No Season</b>
1	<b>Hunt Ducks Or Geese W/O Federal Stamp</b>
3	<b>Hunt Across Public Road Or Right Of Way</b>
4	<b>Illegal Spotlighting From Public Road</b>
4	<b>Failure To Abide By Commission Rules</b>
11	<b>Hunt Or Take Deer Illegal Hours Or With Artificial Light</b>
3	<b>Flight From An Officer</b>
1	<b>Driving On Levees</b>
3	<b>Violate Non-Toxic Shot Regulations</b>



<b>1</b>	<b>Take Game Fish Illegally</b>
<b>1</b>	<b>Possession Of Diazepam</b>
<b>1</b>	<b>Enter Contraband Into Penal Facility</b>
<b>3</b>	<b>Hunt From Public Road</b>
<b>2</b>	<b>Angling W/O Non-Resident License</b>
<b>2</b>	<b>Possession Of Firearm Of Convicted Felon</b>
<b>1</b>	<b>Hunt W/O Non-Resident License</b>
<b>2</b>	<b>Purchase Game Fish</b>
<b>2</b>	<b>Buy Fish From Unlicensed Fisherman</b>
<b>2</b>	<b>Violate State Interstate Commerce Regulations</b>
<b>2</b>	<b>Buy Fish W/O Wholesale/Retail Dealer's License</b>
<b>2</b>	<b>Fail To Maintain Records</b>
<b>2</b>	<b>Fail To Keep Commercial Fisheries Data</b>
<b>1</b>	<b>Fish W/O Resident Pole License</b>
<b>1</b>	<b>Possession Of Illegally Taken Deer</b>
<b>1</b>	<b>Hunt Illegal Deer – Open Season</b>

**WRITTEN WARNINGS:**

<b>TOTAL</b>	<b>DESCRIPTION OF CITATION</b>
<b>3</b>	<b>Boating</b>
<b>1</b>	<b>Not Abiding By Rules/Regulations On WMA</b>

1	Hunt W/O Resident License
3	Failure To Wear Hunter's Orange
1	Take Illegal Size Black Bass

**CONFISCATIONS:**

CONFISCATION DESCRIPTION
3 Barfish, 3 Sac-a-lait, 12 Leadshot Shotgun Shells, 1 Wood Duck, 3 Spotlights, 1 Grebe, 2 12 Ga. Buckshot, DMAP Tags, 10 Deer, 1 Zip-Lock Bag Containing Bait Sample, 10 Rifles, 6 Rabbits, 2 Shotguns, 1 Pistol, 1 Polaris Ranger 4 x 4, 1 Trailer, 2 Muzzleloaders, 1 Kawasaki Prairie 4 x 4, 3 Dozen Crabs, 3 Crab Traps, 2 Scaup, 4 Ring Necks, 1 Shoveler, 2 Rod and Reels, 16 Blue Pills (Alleged To Be Valium), 4 Mourning Doves, 1 Empty Leadshot Shell

**TOTAL OF EACH CATEGORY FOR REGION 6:**

TOTAL	DESCRIPTION
17	Boating
11	Commercial Fishing
12	Federal Migratory
1	Littering
60	Miscellaneous
15	Recreational Fishing
97	State Hunting/Trapping
9	Written Warnings

**TOTAL NUMBER FOR PUBLIC ASSISTANCE:**

TOTAL	DESCRIPTION
0	Public Assistance

**REGION 7: BATON ROUGE**

**PARISHES: ASCENSION, E.B. ROUGE,  
E. FELICIANA, LIVINGSTON  
ST. HELENA, ST. TAMMANY,  
TANGIPAHOA, WASHINGTON,  
W. FELICIANA**

<b>TOTAL CASES</b>	<b>177</b>
<b>TOTAL</b>	<b>DESCRIPTION OF CITATION</b>
<b>8</b>	<b>Boating</b>
<b>2</b>	<b>Angling Without Resident License</b>
<b>1</b>	<b>Selling Untagged Oysters</b>
<b>1</b>	<b>Possess Untagged Oysters</b>
<b>1</b>	<b>Violate Commission Rules And Regulations-Red Snapper</b>
<b>2</b>	<b>Violate Commission Rules And Regulations-Grouper</b>
<b>1</b>	<b>Violate Commission Rules And Regulations-Amberjack</b>
<b>2</b>	<b>Violate Commission Rules And Regulations-Cobia</b>
<b>13</b>	<b>Buy Fish Without Wholesale/Retail Dealers License</b>
<b>14</b>	<b>Fail To Maintain Records</b>
<b>13</b>	<b>Purchase Game Fish</b>
<b>14</b>	<b>Buy Commercial Fish From Unlicensed Fisherman</b>
<b>14</b>	<b>Failure To Report Commercial Fisheries Data</b>
<b>14</b>	<b>Violate Interstate Commerce Regulations—State</b>
<b>7</b>	<b>Not Abiding By Rules And Regulations On W.M.A.'s</b>

5	Hunt Without Basic License
4	Hunt Without Big Game License
21	No Hunter's Orange
7	Hunt Deer From A Moving Vehicle
9	Hunt Deer From Public Road
1	Hunt From A Public Road
8	Hunt Deer Illegal Hours
1	Hunt Deer Illegal Methods
1	Possess Spotted Fawn
2	Hunt On D-Map Land Without Permission
2	Hunt On W.M.A. Without Permit
1	Hunt Deer Closed Area
2	Take Over The Limit Of Deer
1	Possess Live Quadrupeds (Deer) Without Permit
2	Trap Without License
3	Littering

**WRITTEN WARNINGS:**

<b>TOTAL</b>	<b>DESCRIPTION OF CITATION</b>
4	
2	Hunt Without Basic License

1	Hunt Without Big Game License
1	No Hunters Orange

**CONFISCATIONS:**

CONFISCATION DESCRIPTION	
5-Deer 1-Spotted Fawn 4-Sacks Oysters (Returned To Water)	3-Rifles 1-Shotgun 1-Bow 2-Q-Beams

**TOTAL OF EACH CATEGORY FOR REGION 7:**

TOTAL 181	DESCRIPTION
8	Boating
90	Commercial Fishing
-0-	Federal Migratory
3	Littering
-0-	Miscellaneous
2	Recreational Fishing
74	State Hunting/Trapping
4	Written Warnings

**TOTAL NUMBER FOR PUBLIC ASSISTANCE:**

TOTAL 5	DESCRIPTION
	Public Assistance 3-Assist Motorists 2-Lost Hunters

**REGION 8: NEW ORLEANS****PARISHES: PLAQUEMINE, ST. BERNARD,  
ORLEANS; JEFFERSON;  
ST. CHARLES**

<b>TOTAL CASES</b>	<b>255</b>
<b>TOTAL</b>	<b>DESCRIPTION OF CITATION</b>
28	Boating
29	Angling W/O A License
4	Angling W/O A License Non-Resident
5	Angling W/O Saltwater License
4	Angling W/O Saltwater License Non-Resident
3	Possess O/L Of Red Drum In Excess of 27"(Recreational)
1	Take or Possess Undersized Red Drum 16" Minimum
2	Take or Possess Undersized Spotted Sea Trout
3	Take or Possess Undersized Black Drum
1	Commission Rules and Regulations Red Snapper (Recreational)
1	Take/Possess O/L Spotted Sea Trout (On Water)
3	Take or Possess O/L Black Drum
4	Commission Rules And Regulations Red Snapper (Commercial)
2	Take Commercial Fish W/O Commercial Gear License
14	Sell And/Or Buy Fish W/O Wholesale/Retail Dealer's License
18	Fail To Maintain Records

3	Use Saltwater Net Illegally
12	Sell And/Or Purchase Game Fish
10	Buy Commercial Fish From Unlicensed Fisherman
1	Take/Possess Oysters W/O Oysters Harvester License
12	Fail To Report Commercial Fisheries Data
4	Use Trawls Exceeding Size Requirements
5	Failure To Have Written Permission
3	Unlawfully Take Oysters From State Water Bottoms
7	Take Oysters From Unapproved Area (Polluted)
1	Failure To Display Proper Number On Vessel
3	Violate Sanitary Code(Log Book)
3	Violate Sanitary Code (Refrigeration)
6	Hunting W/O Resident License
3	Hunting From Moving Vehicle And/Or Aircraft
8	Hunt Wild Quadrupeds Illegal Hours
1	Hunt Or Take Deer Illegal Hours
4	Possession Of Illegally Taken Deer
2	Fail Comply W/Hunter's Orange Regulations
4	Take/Possess Spotted Fawn
2	Hunting Ducks W/O Federal Stamp



<b>2</b>	<b>Hunting MGB With Unplugged Gun</b>
<b>2</b>	<b>Hunting MGB Illegal Hours</b>
<b>5</b>	<b>Hunting MGB Over Baited Area</b>
<b>3</b>	<b>Possess Untagged MGB</b>
<b>2</b>	<b>Possess Over Limit Of Ducks</b>
<b>2</b>	<b>Not Abiding By Rules And Regulations On WMA</b>
<b>1</b>	<b>Criminal Trespass</b>
<b>2</b>	<b>Littering</b>
<b>13</b>	<b>State Interstate Commerce Violation</b>
<b>1</b>	<b>Flight From An Officer</b>
<b>3</b>	<b>Use More Than One Strike Net To Commercially Take Mullet</b>
<b>3</b>	<b>Take CML Mullet Closed Season</b>

**WRITTEN WARNINGS:**

<b>TOTAL 7</b>	<b>DESCRIPTION OF CITATION</b>
<b>4</b>	<b>Boating</b>
<b>1</b>	<b>Angling W/O A Resident License</b>
<b>1</b>	<b>Angling W/O A License Non-Resident</b>
<b>1</b>	<b>Take Or Possess Undersized Red Drum</b>

**CONFISCATIONS:**

<b>CONFISCATION DESCRIPTION</b>	
<p>Sold @ Bid....174 Lbs. Of Red Snapper(\$417.66), 237 Lbs. Spotted Sea Trout(\$533.25), 685 Lbs. Of Red Snapper(\$1,712.50), 307 Lbs. Of Trout(\$615.00), 85 Lbs. Of Trout(\$191.25), 142 Lbs. Of Trout(\$234.30), 9,857 Lbs. Of Shrimp(\$7,443.00), 3,353 Lbs. Of Mullet (\$2,179.45), 4,635 Lbs. Of Shrimp(\$1,854.00) Donated....Black Drum(6)....Red Snapper(7)....Rabbits(8)....Deer(4)....Ducks(41)....Nutria(63)....Red Drum(8)....Spotted Sea Trout(70)....Bass(7)....Flounder(1)....Oyster Sacks(202)....Crabs(100 Lbs.) Hardware Confiscated....Ice Chest(1)....Mullet Net(3)....Pistol(1)....Rifle(3)....Truck(1)....Spotlight (3)....Knives(3)....Rod And Reel(4)....Pirogue(1)....Shotgun(2)....Crab Meat(4 Pints) Crawfish(37 Lbs.)....Trawls(2)....Dredges(2)</p>	

**TOTAL OF EACH CATEGORY FOR REGION 8:**

<b>TOTAL</b>	<b>DESCRIPTION</b>
28	Boating
103	Commercial Fishing
16	Federal Migratory
2	Littering
23	Miscellaneous
55	Recreational Fishing
28	State Hunting/Trapping
0	Written Warnings

**TOTAL NUMBER FOR PUBLIC ASSISTANCE:**

<b>TOTAL</b>	<b>DESCRIPTION</b>
6	Public Assistance

**REGION 9: SCHRIEVER**

**PARISHES: ASSUMPTION, ST. JAMES,  
ST. JOHN, ST. MARY,  
TERREBONNE, LAFOURCHE,  
JEFFERSON-GRAND ISLE,  
LOWER ST. MARTIN**

<b>TOTAL CASES</b>	<b>122</b>
<b>TOTAL</b>	<b>DESCRIPTION OF CITATION</b>
26	Boating
18	Angling Without A License
4	Angling Without A Non-Resident License
8	Angling Without A Saltwater License
2	Angling Without A Non-Resident Saltwater License
2	Take Undersized Red Drum (Recreational)
1	Take Undersized Black Drum (Recreational)
1	CML Fisherman Sell To Consumer Without Fresh Product License
1	Buy Fish Without Resident Wholesale/Retail Dealer's License
2	Fail To Maintain Records
1	Purchase Game Fish
1	Buy Commercial Fish From Unlicensed Fisherman
1	Fail To Report Commercial Fisheries Data
2	Taking Oysters From Unapproved Area (Polluted)
2	Take Oysters Closed Season

2	<b>Violate Sanitary Code (Log Book)</b>
9	<b>Hunting Without Resident License</b>
2	<b>Fail To Comply With DMAP Requirements</b>
2	<b>Hunting From Moving Vehicle</b>
1	<b>Hunt Wild Quadrupeds Illegal Hours</b>
3	<b>Hunt Without Resident Big Game License</b>
2	<b>Hunt Deer Illegal Hours</b>
2	<b>Hunt Deer From Public Road</b>
1	<b>Take Illegal Deer Open Season</b>
2	<b>Field Possession Of Deer Meat Without Tag</b>
1	<b>Fail To Maintain Sex Identification</b>
5	<b>Fail To Wear Hunter's Orange</b>
2	<b>Hunt On DMAP Lands Without Permit From Owner</b>
1	<b>Possess Firearm While Hunting Frogs</b>
1	<b>Hunting MGB With Unplugged Gun</b>
2	<b>Hunting MGB Over Baited Area</b>
1	<b>Possession Over The Two Day Limit Of MGB</b>
1	<b>Violate Interstate Commerce Regulations (State Lacey)</b>
2	<b>Not Abiding By WMA Rules And Regulations (After Hours)</b>

1	Not Abiding By WMA Rules And Regulations (Fail To Remove Deer Stand After Hours)
2	Not Abiding By WMA Rules And Regulations (Hunt Deer With Gun In Closed Area)
1	Resisting An Officer
1	Flight From An Officer
1	Misrepresentation During Issuance Of Misdemeanor
1	Contempt Of Court
1	Littering

**WRITTEN WARNINGS:**

TOTAL 30	DESCRIPTION OF CITATION
21	Boating
3	Angling Without Basic License
3	Angling Without Saltwater License
2	Fail To Wear Hunter's Orange
1	Not Abiding By Rules And Regulations On WMA (No Self-Clearing Permit)

**CONFISCATIONS:**

CONFISCATION DESCRIPTION
4 Gadwals, 1 Mallard, 4 Teal, 3 Widgeons, 2 Bull Frogs, 100 Lbs. Crabs, 2 Deer, Deer Parts, 5 Red Fish, 15 ½ Sacks Oysters, 1 Rabbit, 4 Black Drum, Milo Seed And Rice Samples, 18 D-Map Antlerless Deer Tags And Records, 2 Oyster Harvester Log Books, 2 Shotguns, 3 Rods And Reels, 1 Headlight, 1 Handline, 26 Portable Deer Stands, 1 Ice Chest, Various Shotgun Shells

**TOTAL OF EACH CATEGORY FOR REGION 9:**

<b>TOTAL</b>	<b>DESCRIPTION</b>
<b>26</b>	<b>Boating</b>
<b>13</b>	<b>Commercial Fishing</b>
<b>4</b>	<b>Federal Migratory</b>
<b>1</b>	<b>Littering</b>
<b>5</b>	<b>Miscellaneous</b>
<b>35</b>	<b>Recreational Fishing</b>
<b>38</b>	<b>State Hunting/Trapping</b>
<b>30</b>	<b>Written Warnings</b>

**TOTAL NUMBER FOR PUBLIC ASSISTANCE:**

<b>TOTAL</b>	<b>DESCRIPTION</b>
<b>4</b>	<b>Public Assistance</b>

**OYSTER STRIKE FORCE****COASTAL WATERS**

<b>TOTAL CASES</b>	<b>20</b>
<b>TOTAL</b>	<b>DESCRIPTION OF CITATION</b>
1	Take Or Possess Commercial Fish W/O A Commercial License
1	Take Or Possess Commercial Fish W/O A Commercial Gear License
1	Take Or Possess Oysters W/O An Oyster Harvester License
2	Unlawfully Take Oysters From A Private Lease
1	Fail To Have Written Permission
2	Angling W/O A License
2	Angling W/O A Saltwater License
2	Boating Safety
1	Placement Of Bait For Hunting Migratory Game Birds
3	Hunting Migratory Game Birds Over Baited Area
3	Possess Over Limit Of Ducks (Field Possession)
1	Use Lead In An Area Designated As Steel Only

**WRITTEN WARNINGS:**

<b>TOTAL 8</b>	<b>DESCRIPTION OF CITATION</b>
2	Angling Without A Basic Fishing License
3	Angling Without A Saltwater License
1	Expired Boat Registration Certificate

<b>1</b>	<b>Fail To Display Valid Certificate Decal</b>
<b>1</b>	<b>No Boat Registration In Possession</b>

**CONFISCATIONS:**

<b>CONFISCATION DESCRIPTION</b>
<b>7 Sacks Of Oysters, 15 Spotted Sea Trout, 13 Ducks</b>

**TOTAL OF EACH CATEGORY FOR OSF:**

<b>TOTAL</b>	<b>DESCRIPTION</b>
<b>2</b>	<b>Boating</b>
<b>6</b>	<b>Commercial Fishing</b>
<b>8</b>	<b>Federal Migratory</b>
<b>0</b>	<b>Littering</b>
<b>0</b>	<b>Miscellaneous</b>
<b>4</b>	<b>Recreational Fishing</b>
<b>0</b>	<b>State Hunting/Trapping</b>
<b>8</b>	<b>Written Warnings</b>

**TOTAL NUMBER FOR PUBLIC ASSISTANCE:**

<b>TOTAL</b>	<b>DESCRIPTION</b>
<b>0</b>	<b>Public Assistance</b>



**SEAFOOD INVESTIGATIVE UNIT****STATEWIDE**

<b>TOTAL CASES</b>	<b>37</b>
<b>TOTAL</b>	<b>DESCRIPTION OF CITATION</b>
<b>4</b>	<b>Buy/Sell Fish W/O A Wholesale/Retail Seafood Dealer's License</b>
<b>10</b>	<b>Fail To Maintain Records</b>
<b>2</b>	<b>Commission Rules And Regulations – Red Snapper</b>
<b>1</b>	<b>Possess Less Than 10% Untagged Oysters</b>
<b>1</b>	<b>Buy Commercial Fish From An Unlicensed Fisherman</b>
<b>2</b>	<b>Violate Interstate Commerce</b>
<b>2</b>	<b>Buy Spotted Sea Trout From Unpermitted Fisherman</b>
<b>4</b>	<b>Transport W/O Required License</b>
<b>5</b>	<b>Fail To Report Commercial Fishery Data</b>
<b>1</b>	<b>Sell/Purchase Game Fish</b>
<b>1</b>	<b>Buying Or Selling For Resale Untagged Oysters</b>
<b>1</b>	<b>Possession Of Untagged/Improperly Tagged Oysters 10%+</b>
<b>1</b>	<b>Angling W/O A License</b>
<b>1</b>	<b>Angling W/O Saltwater License</b>

**WRITTEN WARNINGS:**

<b>TOTAL</b>	<b>DESCRIPTION OF CITATION</b>
<b>0</b>	

**CONFISCATIONS:**

<b>CONFISCATION DESCRIPTION</b>
<b>37 Pounds Live Crawfish(Returned To Water), 10 Half Sacks Of Oysters(Returned To Water), 6 Sacks Of Oysters(Returned To Water), 2 Crates Live Crabs(Returned To Water), 19 Pounds Frozen Shrimp(Donated), 2 Pounds Frozen Flounder(Donated), 4 Pints Crab Meat(Destroyed-Unfit For Consumption)</b>

**TOTAL OF EACH CATEGORY FOR SEAFOOD INVESTIGATIVE UNIT:**

<b>TOTAL</b>	<b>DESCRIPTION</b>
<b>0</b>	<b>Boating</b>
<b>35</b>	<b>Commercial Fishing</b>
<b>0</b>	<b>Federal Migratory</b>
<b>0</b>	<b>Littering</b>
<b>0</b>	<b>Miscellaneous</b>
<b>2</b>	<b>Recreational Fishing</b>
<b>0</b>	<b>State Hunting/Trapping</b>
<b>0</b>	<b>Written Warnings</b>

**TOTAL NUMBER FOR PUBLIC ASSISTANCE:**

<b>TOTAL</b>	<b>DESCRIPTION</b>
<b>0</b>	<b>Public Assistance</b>

**S.W.E.P.****COASTAL WATERS**

<b>TOTAL CASES</b>	<b>18</b>
<b>TOTAL</b>	<b>DESCRIPTION OF CITATION</b>
<b>6</b>	<b>Boating</b>
<b>4</b>	<b>Use Trawls Exceeding Size Requirements – Offshore Waters</b>
<b>1</b>	<b>Take Commercial Fish W/O Commercial Gear License</b>
<b>1</b>	<b>Violate Sanitary Code (Log Book)</b>
<b>3</b>	<b>Hunt MGB W/O State MGB License</b>
<b>1</b>	<b>Hunt W/O Resident License</b>
<b>1</b>	<b>Commission Rule And Regulation – Possess Red Snapper C/S</b>
<b>1</b>	<b>Possess Over Limit Of Red Drum – Over 27”</b>

**WRITTEN WARNINGS:**

<b>TOTAL</b>	<b>DESCRIPTION OF CITATION</b>
<b>0</b>	

**CONFISCATIONS:**

<b>CONFISCATION DESCRIPTION</b>
<b>6 Trawls, 14,492 Lbs. Of Shrimp Sold @ \$9,297.50, 28 Sacks Of Oysters (Returned To Water), 6 Ducks, 2 Coots, 1 Rabbit, 7 Red Snapper, 1 Red Drum</b>

**TOTAL OF EACH CATEGORY FOR S.W.E.P.:**

<b>TOTAL</b>	<b>DESCRIPTION</b>
<b>6</b>	<b>Boating</b>
<b>6</b>	<b>Commercial Fishing</b>
<b>0</b>	<b>Federal Migratory</b>
<b>0</b>	<b>Littering</b>
<b>0</b>	<b>Miscellaneous</b>
<b>2</b>	<b>Recreational Fishing</b>
<b>4</b>	<b>State Hunting/Trapping</b>
<b>0</b>	<b>Written Warnings</b>

**TOTAL NUMBER FOR PUBLIC ASSISTANCE:**

<b>TOTAL</b>	<b>DESCRIPTION</b>
<b>0</b>	<b>Public Assistance</b>

**Note:****Boats Checked: 96****Hours Ran: 41**

**REFUGE PATROL****MARSH ISLAND, ROCKEFELLER,  
STATE WILDLIFE**

<b>TOTAL CASES</b>	<b>29</b>
<b>TOTAL</b>	<b>DESCRIPTION OF CITATION</b>
<b>4</b>	<b>Hunt W/O A Basic Hunting License</b>
<b>5</b>	<b>Hunt Wild Quadrupeds Illegal Hours Or With Artificial Light</b>
<b>5</b>	<b>Hunt From A Moving Vehicle</b>
<b>5</b>	<b>Hunt From A Public Road</b>
<b>1</b>	<b>Illegal Spot Lighting From A Public Road</b>
<b>2</b>	<b>Violate Non-Toxic Shot</b>
<b>4</b>	<b>Violate MGB Tagging Requirements</b>
<b>1</b>	<b>Take Ducks (Canvas Back) Closed Season</b>
<b>1</b>	<b>Wanton Waste Of MGB</b>
<b>1</b>	<b>Hunt MGB With Unplugged Gun</b>

**WRITTEN WARNINGS:**

<b>TOTAL</b>	<b>DESCRIPTION OF CITATION</b>
<b>0</b>	

**CONFISCATIONS:**

<b>CONFISCATION DESCRIPTION</b>
<b>27-Geese, 5-Ducks, 6-Rabbits, 1-.22 Cal. Pistol, 1-.410 Shotgun, 1-12 Ga. Shotgun, 6-12 Ga. Lead Shot Shells</b>

**TOTAL OF EACH CATEGORY FOR REFUGE PATROL:**

<b>TOTAL</b>	<b>DESCRIPTION</b>
<b>0</b>	<b>Boating</b>
<b>0</b>	<b>Commercial Fishing</b>
<b>9</b>	<b>Federal Migratory</b>
<b>0</b>	<b>Littering</b>
<b>0</b>	<b>Miscellaneous</b>
<b>0</b>	<b>Recreational Fishing</b>
<b>20</b>	<b>State Hunting/Trapping</b>
<b>0</b>	<b>Written Warnings</b>

**TOTAL NUMBER FOR PUBLIC ASSISTANCE:**

<b>TOTAL</b>	<b>DESCRIPTION</b>
<b>6</b>	<b>Public Assistance: 5-Stranded Vessels, 1-Stranded Motorist</b>

**TOTAL CASES:** 1,385

**WRITTEN WARNINGS:** 69

**PUBLIC ASSISTANCE:** 32

**ENFORCEMENT AVIATION REPORT**  
**DECEMBER 2003**

**185 – Amph. – 61092**  
**Hrs. - 32**

**185 – Float – 9667Q**  
**Hrs. - 22.9**

**210 – 9467Y**  
**Hrs. - 30**

**Enforcement Hours - 42.2**

**Other Division - 42.7**

**Total Plane Use - 84.9**



**LaCaze, B "Keith"**

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**From:** DeGraff, Jeffrey  
**Sent:** Tuesday, December 30, 2003 4:06 PM  
**To:** Burke, Marianne  
**Subject:** LDWF Region 5 News (December 30, 2003)

## **NEWS FROM THE LA. DEPT. OF WILDLIFE & FISHERIES**

The Public Information Section of the Louisiana Department of Wildlife and Fisheries is responsible for the distribution of LDWF news releases and the department's biweekly newsletter.

If you have questions, please contact one of the following Public Information Section staff members:

**Thomas Gresham**  
Media Relations Manager  
(gresham\_tp@wlf.state.la.us)

**Jeffrey DeGraff**  
Public Information Officer  
(degraff\_ja@wlf.state.la.us)

2003-375

### **EVANGELINE PARISH MAN PLEADS GUILTY TO NIGHT HUNTING**

On December 11, Jimmy Don Bolfa, 44, of Ville Platte pled guilty to hunting wild quadrupeds during illegal hours. Judge John Larry Vidrine of the 13th Judicial District Court sentenced Bolfa to pay a fine of \$500 plus \$121.50 in court costs.

Judge Vidrine suspended a six-month jail sentence and ordered Bolfa placed on six months of supervised probation, with a fee of \$30 per month, followed by 18 months of unsupervised probation. Bolfa's hunting privileges were revoked for two years. In addition, a .22-magnum caliber rifle and a spotlight were forfeited to the Louisiana Department of Wildlife and Fisheries Enforcement Division.

Wildlife enforcement agents cited Bolfa on September 18, 2003 in the Chicot area. He was stopped as he exited the woods east of Hwy 167 North, and further investigation revealed that Bolfa had been hunting over a food plot during illegal hours.

Agents participating in the case were Senior Agents Scott Fontenot and Steve Vidrine.

**EDITORS: For more information, contact Maj. Keith LaCaze at 225/765-2469 (lacaze\_bk@wlf.state.la.us).**

2003-376

### **VERNON PARISH MAN CITED FOR ALLEN PARISH NIGHT HUNT**

Travis W. Nolen, 21, of Pitkin was cited on December 4 for allegedly hunting deer at night with an artificial light, hunting from a moving vehicle, hunting from a public road and hunting deer with an illegal weapon.

Louisiana Department of Wildlife and Fisheries Enforcement Senior Agent Joey James cited Nolen at 10 p.m. for the offenses, after stopping him for shining a spotlight from a pickup truck. Nolen was shining the spotlight in a timber cutover area along Highway 112, west of Elizabeth. A .22-magnum rifle with scope, seven live cartridges and a hand held spotlight were seized.

The penalty for hunting deer during illegal hours or with artificial light is a fine of up to \$950, jail for not more than 120 days, or both, plus court costs and forfeiture of anything seized. The violations of hunting from a moving vehicle, hunting from a public road, and hunting deer with an illegal weapon each carry a fine of up to \$350, jail for not more than 60 days, or both, plus court costs.

**EDITORS: For more information, contact Maj. Keith LaCaze at 225/765-2469 (lacaze\_bk@wlf.state.la.us).**

**-30-**

**LaCaze, B "Keith"**

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**From:** DeGraff, Jeffrey  
**Sent:** Tuesday, December 30, 2003 4:06 PM  
**To:** Burke, Marianne  
**Subject:** LDWF Region 2 News (December 30, 2003)

## **NEWS FROM THE LA. DEPT. OF WILDLIFE & FISHERIES**

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**Jeffrey DeGraff**  
Public Information Officer  
(degraff\_ja@wlf.state.la.us)

2003-373

### **RICHLAND PARISH MAN ARRESTED FOR OBSTRUCTION OF JUSTICE IN WILDLIFE CASE**

Louisiana Department of Wildlife and Fisheries Enforcement Agents have served a warrant and arrested Michael W. Collins, 46, of Rayville, for obstruction of justice. The December 15 arrest resulted from Collins's alleged battery of a witness who provided information to wildlife enforcement agents. The information provided by the witness led to charges being filled against Collins for killing an illegal deer during the open season.

Collins was booked into the Richland Parish Correctional Facility with a bond set at \$10,000. The penalty for retaliating against a witness for providing information, or aid, relating to the commission of a crime is a felony and carries a fine of not more than \$10,000, imprisonment for not more than five years, with or without hard labor, or both.

Agents involved in the investigation were Senior Agents Brian Rawls, Billy Richardson, James Hagan, and Joe Chandler Jr.

**EDITORS: For more information, contact Maj. Keith LaCaze at 225/765-2469 (lacaze\_bk@wlf.state.la.us).**

2003-374

### **RICHLAND PARISH NIGHT HUNTERS CITED**

Two Richland Parish residents, Clint E. Roberts, 23, of Baskin and a 15-year-old juvenile were cited on December 11, by Louisiana Department of Wildlife and Fisheries Enforcement Agent Brian Rawls. They were cited for allegedly hunting deer during illegal hours, hunting from a moving vehicle

and hunting from a public road. The pair was seen hunting at night in the vicinity of Highway 132 near Hatch Bridge in Richland Parish. A spotlight was shining from the vehicle as it traveled along the road. The two were found in possession of a loaded .22-caliber rifle. The rifle and a spotlight were both seized in conjunction with the case.

The penalty for hunting deer during illegal hours is a fine of up to \$950, jail for not more than 120 days, or both, plus court costs and forfeiture of seized items. Hunting from a moving vehicle is punishable by a fine of up to \$500, jail for not more than 90 days, or both, plus court costs. The penalty for hunting deer from a public road is a fine of up to \$350, jail for not more than 60 days, or both, plus court costs.

**EDITORS: For more information, contact Maj. Keith LaCaze at 225/765-2469 (lacaze\_bk@wif.state.la.us).**

**-30-**

**LaCaze, B "Keith"**

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**From:** DeGraff, Jeffrey  
**Sent:** Tuesday, December 30, 2003 4:07 PM  
**To:** Burke, Marianne  
**Subject:** LDWF Region 9 News (December 30, 2003)

## **NEWS FROM THE LA. DEPT. OF WILDLIFE & FISHERIES**

The Public Information Section of the Louisiana Department of Wildlife and Fisheries is responsible for the distribution of LDWF news releases and the department's biweekly newsletter.

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**Jeffrey DeGraff**  
Public Information Officer  
(degraff\_ja@wlf.state.la.us)

2003-381

### **COMPLAINT IN BAY JUNOP YIELDS DUAL VIOLATIONS**

Two Houma men were cited on December 28 for allegedly taking oysters from Bay Junop, where oyster harvesting is prohibited. Louisiana Department of Wildlife and Fisheries Enforcement Sergeant Bryan Marie, assigned to the Oyster Strike Force, responded to a report of boats taking oysters from the bay during the closed season on the seed ground. The season ended on the last day of October.

Two boats were found dredging oysters in the west Terrebonne seed ground. The captains of the vessels were identified as Mario Gomez, 31, and Miguel Torres, 29, both of Houma. Further investigation led to sanitary code violations ranging from not completing harvester logbook information to misrepresenting the area of harvest.

The oysters were seized and returned to the water.

The penalty for taking oysters during closed season is a fine of not more than \$300, jail for not more than 60 days, or both, plus court costs.

The penalty for violating the sanitary code is a fine of \$25 or imprisonment for not more than 10 days, or both, for the first offense and loss of oysters.

**EDITORS:** For more information, contact Maj. Keith LaCaze at 225/765-2469 (lacaze\_bk@wlf.state.la.us).

2003-382

### **ST. JAMES MEN CITED FOR HUNTING DEER AT NIGHT**

On December 13, Louisiana Department of Wildlife and Fisheries Enforcement Division agents cited two St. James Parish men for allegedly hunting deer during illegal hours.

According to agents, Michael Pierre, 44, and Jeffery M. Rodrigue, 20, both of St. James, were seen at 11:30 p.m. on Hwy 3127 in a sedan. Noting that the vehicle was strangely driving back and forth along the highway, and having seen deer feeding earlier in the same area, the agents became suspicious. Their suspicions were confirmed when the car pulled to the side of the highway and a firearm was discharged from the vehicle in the direction of the deer.

The vehicle was stopped and the two were cited for hunting deer during illegal hours, hunting deer from a public road, hunting from a moving vehicle, and hunting on Deer Management Assistance Program (DMAP) lands without permission. A 12-gauge shotgun loaded with buckshot was seized.

The penalty for hunting deer during illegal hours is a fine of up to \$950, jail for up to 120 days, or both, plus court costs. Hunting from a moving vehicle is punishable by a fine of up to \$500, or jail for not more than 90 days, or both, plus court costs. Hunting deer from a public road and hunting on DMAP lands without permission both carry fines of up to \$350, jail for not more than 60 days, or both, plus court costs. In addition, anything seized in connection with these violations may be forfeited.

Agents participating in the case were Senior Agents Jamie Folse and Aron Hastings.

**EDITORS: For more information, contact Maj. Keith LaCaze at 225/765-2469 (lacaze\_bk@wlf.state.la.us).**

2003-383

## **NIGHT HUNTER APPREHENDED AFTER CHASE**

On December 14, Louisiana Department of Wildlife and Fisheries Enforcement Division agents, working with deputies from the St. John Parish Sheriff's Office, apprehended a Wallace man for allegedly hunting during illegal hours.

Deputies allegedly saw Raymond Groves, 35, of Wallace, using a headlight to hunt rabbits behind the Mississippi River levee near Wallace at about 2:30 in the morning. Wildlife enforcement agents were called to assist. After initially providing false information as to his identity, Groves attempted to flee, and after a brief pursuit, was apprehended by the wildlife agents in a wooded area behind the levee.

The agents seized a 12-gauge shotgun, 11 shotgun shells and a headlight. A rabbit was also seized and donated. Groves was arrested and booked into the St. John Parish Jail. The offenses include hunting wild quadrupeds during illegal hours, resisting an officer, flight from an officer, misrepresentation during the issuance of a misdemeanor, and contempt of court.

The penalty for hunting wild quadrupeds during illegal hours is a fine of up to \$500, up to 90 days in jail, or both, plus court costs. The penalties for flight from an officer, resisting an officer and misrepresentation during booking are fines of up to \$500, jail for not more than 180 days, or both, for each conviction.

Agents participating in the case were Sgt. Davis Madere, Senior Agents Aron Hastings, Jamie Folse, and Agent Jason Romero.

Changed during  
meeting

NOTICE OF INTENT

Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission

Spotted Seatrout

The Wildlife and Fisheries Commission does hereby give notice of its intent to amend a Rule, LAC 76:VII.341, modifying the existing rule. Authority for adoption of this Rule is included in R.S. 56:6 (25) (a) and 56:325.1 (A) 2 and (B). Said Rule is attached to and made a part of this Notice of Intent.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishery

§341. Spotted Seatrout Management Measures

\* \* \*

E. Recreational Regulations. Except as provided in R.S. 56:325.1, no person shall possess, regardless of where taken, more than five (5) spotted seatrout exceeding twenty-five inches (25") total length. The spotted seatrout exceeding twenty-five inches (25") in length shall be considered as part of the daily recreational bag limit and possession limit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(25)(a); R.S. 56:306.5, R.S. 56:306.6, R.S. 56:325.3; R.S. 56:326.3; 56:325.1(A) 2 and (B).

HISTORICAL NOTE: Promulgated by the Department of Wildlife

and Fisheries, Wildlife and Fisheries Commission, LR 18:199 (February 1992), amended LR 22:238 (March 1996), LR 24:360 (February 1998), LR 26:2333 (October 2000), LR 30:..

Interested persons may submit comments relative to the proposed Rule to: Randy Pausina, Marine Fisheries Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000, prior to Thursday, March 4, 2004.

The Secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this notice of intent and the final rule, including but not limited to, the filing of the fiscal and economic impact statements, the filing of the notice of intent and final rule and the preparation of reports and correspondence to other agencies of government.

In accordance with Act#1183 of 1999, the Department of Wildlife and Fisheries/Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection with the preceding Notice of Intent: This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

Bill A. Busbice, Jr.

Chairman



## RESOLUTION

### 2004 RECREATIONAL RED SNAPPER SEASON

January 8, 2004

- WHEREAS, the red snapper fishery in the Gulf of Mexico off the coast of Louisiana is cooperatively managed by the Louisiana Department of Wildlife and Fisheries (LDWF), the Wildlife and Fisheries Commission (LWFC) and the National Marine Fisheries Service (NMFS) with advice from the Gulf of Mexico Fishery Management Council (Gulf Council), and
- WHEREAS, regulations promulgated by NMFS are applicable in waters of the Exclusive Economic Zone (EEZ) of the U.S., which in Louisiana is generally three miles offshore, and
- WHEREAS, NMFS has put into place a regulatory amendment under the framework procedure of the reef fish fishery management plan that establishes a recreational red snapper quota equal to the recreational allocation, and authorizes the closure of the fishery for the remainder of the fishing year (= calendar year) in Federal waters of the Gulf of Mexico when the quota is reached or is projected to be reached, and
- WHEREAS, the Gulf Council recommended to NMFS that the 2004 recreational quota for red snapper in the Gulf of Mexico be set at 4.47 million pounds, and
- WHEREAS, NMFS has closed the recreational fishing season for red snapper effective midnight October 31, 2003 until April 21, 2004 by reducing the bag limit to zero in the EEZ off of Louisiana for that time period, and
- WHEREAS, the Wildlife and Fisheries Commission has enacted a closure in Louisiana state waters consistent with the EEZ closure which is preferable as it assists in enforcement of fishery rules, and
- WHEREAS, in order to enact regulations in a timely manner so as to have compatible regulations in place in Louisiana waters for the 2004 recreational red snapper season, it is necessary that emergency rules be enacted, and
- WHEREAS, R.S. 49:953(B) and R.S. 49:967 allow the Wildlife and Fisheries Commission to use emergency procedures to set finfish seasons, and

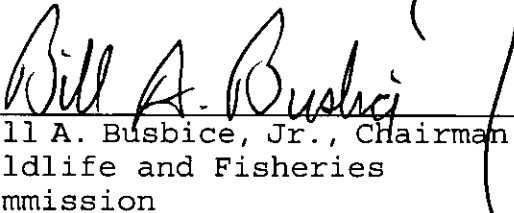
WHEREAS, R.S. 56:326.3 provides that the Wildlife and Fisheries Commission may set seasons for saltwater finfish,


THEREFORE BE IT RESOLVED, that the Wildlife and Fisheries Commission hereby establishes the 2004 season for the recreational harvest of red snapper in Louisiana state waters, and

BE IT FURTHER RESOLVED, that all applicable rules regarding red snapper harvest including size, daily take, and possession limits, established by the Commission shall be in effect during the open season hereby established, and

BE IT FURTHER RESOLVED, that the secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this Declaration of Emergency, and

BE IT FURTHER RESOLVED, that a Declaration of Emergency setting the 2004 recreational red snapper season in Louisiana state waters is attached to and made part of this resolution.

  
\_\_\_\_\_  
Bill A. Busbice, Jr., Chairman  
Wildlife and Fisheries  
Commission

  
\_\_\_\_\_  
James H. Jenkins, Jr., Secretary  
Department of Wildlife and  
Fisheries

## DECLARATION OF EMERGENCY

Louisiana Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission

### 2004 Recreational Red Snapper Season

The red snapper fishery in the Gulf of Mexico is cooperatively managed by the Louisiana Department of Wildlife and Fisheries (LDWF), the Wildlife and Fisheries Commission (LWFC) and the National Marine Fisheries Service (NMFS) with advice from the Gulf of Mexico Fishery Management Council (Gulf Council). Regulations promulgated by NMFS are applicable in waters of the Exclusive Economic Zone (EEZ) of the U.S., which in Louisiana is generally three miles offshore. Rules were established by NMFS to close recreational harvest season in the EEZ off of Louisiana effective midnight October 31, 2003 until 12:01 a.m., April 21, 2004 by reducing the bag limit to zero, and NMFS requested that consistent regulations be established in Louisiana waters. NMFS typically requests consistent regulations in order to enhance the effectiveness and enforceability of regulations for EEZ waters.

In order to enact regulations in a timely manner so as to have compatible regulations in place in Louisiana waters for the 2004 recreational red snapper season, it is necessary that emergency rules be enacted.

In accordance with the emergency provisions of R.S. 49:953(B), the Administrative Procedure Act, R.S. 49:967 which allows the Wildlife and Fisheries Commission to use emergency procedures to set finfish seasons, and R.S. 56:326.3 which provides that the

Wildlife and Fisheries Commission may set seasons for saltwater finfish; the Wildlife and Fisheries Commission hereby sets the following seasons for recreational harvest of red snapper in Louisiana state waters:

The season for the recreational fishery for red snapper in Louisiana state waters will remain closed until 12:01 a.m., April 21, 2004 by reducing the bag limit to zero for that time period. The season will open at 12:01 a.m., April 21, 2004 and continue until midnight October 31, 2004.

The Wildlife and Fisheries Commission authorizes the Secretary of the Department of Wildlife and Fisheries to close the recreational red snapper season when he is informed by the Regional Administrator of the National Marine Fisheries Service that the recreational red snapper quota for the Gulf of Mexico has been filled, or is projected to be filled.

The Commission also hereby authorizes the Secretary to modify the opening and closing of State dates if he is notified that the opening and closing of Federal dates are other than those specified in this declaration of emergency and to open an additional recreational red snapper season in Louisiana state waters if he is later informed that NMFS has opened an additional recreational season and to close such season when he is informed that the recreational red snapper quota for the Gulf of Mexico has been filled, or is projected to be filled.

Effective with the recreational red snapper season closure,

any person, except those who possess a Class 1 or Class 2 commercial red snapper license issued by the National Marine Fisheries Service under the Federal Fishery Management Plan for the Gulf of Mexico Reef Fish and who are legally taking red snapper during an open commercial season, shall not possess any red snapper whether taken from within or without Louisiana territorial waters.

Bill A. Busbice, Jr.

Chairman

## RESOLUTION

### 2004 RECREATIONAL RED SNAPPER SEASON

January 8, 2004

- WHEREAS, the red snapper fishery in the Gulf of Mexico off the coast of Louisiana is cooperatively managed by the Louisiana Department of Wildlife and Fisheries (LDWF), the Wildlife and Fisheries Commission (LWFC) and the National Marine Fisheries Service (NMFS) with advice from the Gulf of Mexico Fishery Management Council (Gulf Council), and
- WHEREAS, regulations promulgated by NMFS are applicable in waters of the Exclusive Economic Zone (EEZ) of the U.S., which in Louisiana is generally three miles offshore, and
- WHEREAS, NMFS has put into place a regulatory amendment under the framework procedure of the reef fish fishery management plan that establishes a recreational red snapper quota equal to the recreational allocation, and authorizes the closure of the fishery for the remainder of the fishing year (= calendar year) in Federal waters of the Gulf of Mexico when the quota is reached or is projected to be reached, and
- WHEREAS, the Gulf Council recommended to NMFS that the 2004 recreational quota for red snapper in the Gulf of Mexico be set at 4.47 million pounds, and
- WHEREAS, NMFS has closed the recreational fishing season for red snapper effective midnight October 31, 2003 until April 21, 2004 by reducing the bag limit to zero in the EEZ off of Louisiana for that time period, and
- WHEREAS, the Wildlife and Fisheries Commission has enacted a closure in Louisiana state waters consistent with the EEZ closure which is preferable as it assists in enforcement of fishery rules, and
- WHEREAS, in order to enact regulations in a timely manner so as to have compatible regulations in place in Louisiana waters for the 2004 recreational red snapper season, it is necessary that emergency rules be enacted, and
- WHEREAS, R.S. 49:953(B) and R.S. 49:967 allow the Wildlife and Fisheries Commission to use emergency procedures to set finfish seasons, and

WHEREAS, R.S. 56:326.3 provides that the Wildlife and Fisheries Commission may set seasons for saltwater finfish,

THEREFORE BE IT RESOLVED, that the Wildlife and Fisheries Commission hereby establishes the 2004 season for the recreational harvest of red snapper in Louisiana state waters, and

BE IT FURTHER RESOLVED, that all applicable rules regarding red snapper harvest including size, daily take, and possession limits, established by the Commission shall be in effect during the open season hereby established, and

BE IT FURTHER RESOLVED, that the secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this Declaration of Emergency, and

BE IT FURTHER RESOLVED, that a Declaration of Emergency setting the 2004 recreational red snapper season in Louisiana state waters is attached to and made part of this resolution.

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Bill A. Busbice, Jr., Chairman  
Wildlife and Fisheries  
Commission

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James H. Jenkins, Jr., Secretary  
Department of Wildlife and  
Fisheries

## DECLARATION OF EMERGENCY

Louisiana Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission

### 2004 Recreational Red Snapper Season

The red snapper fishery in the Gulf of Mexico is cooperatively managed by the Louisiana Department of Wildlife and Fisheries (LDWF), the Wildlife and Fisheries Commission (LWFC) and the National Marine Fisheries Service (NMFS) with advice from the Gulf of Mexico Fishery Management Council (Gulf Council). Regulations promulgated by NMFS are applicable in waters of the Exclusive Economic Zone (EEZ) of the U.S., which in Louisiana is generally three miles offshore. Rules were established by NMFS to close recreational harvest season in the EEZ off of Louisiana effective midnight October 31, 2003 until 12:01 a.m., April 21, 2004 by reducing the bag limit to zero, and NMFS requested that consistent regulations be established in Louisiana waters. NMFS typically requests consistent regulations in order to enhance the effectiveness and enforceability of regulations for EEZ waters.

In order to enact regulations in a timely manner so as to have compatible regulations in place in Louisiana waters for the 2004 recreational red snapper season, it is necessary that emergency rules be enacted.

In accordance with the emergency provisions of R.S. 49:953(B), the Administrative Procedure Act, R.S. 49:967 which allows the Wildlife and Fisheries Commission to use emergency procedures to set finfish seasons, and R.S. 56:326.3 which provides that the



Wildlife and Fisheries Commission may set seasons for saltwater finfish; the Wildlife and Fisheries Commission hereby sets the following seasons for recreational harvest of red snapper in Louisiana state waters:

The season for the recreational fishery for red snapper in Louisiana state waters will remain closed until 12:01 a.m., April 21, 2004 by reducing the bag limit to zero for that time period. The season will open at 12:01 a.m., April 21, 2004 and continue until midnight October 31, 2004.

The Wildlife and Fisheries Commission authorizes the Secretary of the Department of Wildlife and Fisheries to close the recreational red snapper season when he is informed by the Regional Administrator of the National Marine Fisheries Service that the recreational red snapper quota for the Gulf of Mexico has been filled, or is projected to be filled.

The Commission also hereby authorizes the Secretary to modify the opening and closing of State dates if he is notified that the opening and closing of Federal dates are other than those specified in this declaration of emergency and to open an additional recreational red snapper season in Louisiana state waters if he is later informed that NMFS has opened an additional recreational season and to close such season when he is informed that the recreational red snapper quota for the Gulf of Mexico has been filled, or is projected to be filled.

Effective with the recreational red snapper season closure,

any person, except those who possess a Class 1 or Class 2 commercial red snapper license issued by the National Marine Fisheries Service under the Federal Fishery Management Plan for the Gulf of Mexico Reef Fish and who are legally taking red snapper during an open commercial season, shall not possess any red snapper whether taken from within or without Louisiana territorial waters.

Bill A. Busbice, Jr.

Chairman

RESOLUTION

2004 COMMERCIAL RED SNAPPER SEASONS

January 8, 2004

WHEREAS, the red snapper fishery in the Gulf of Mexico off the coast of Louisiana is cooperatively managed by the Louisiana Department of Wildlife and Fisheries (LDWF) and the National Marine Fisheries Service (NMFS) with advice from the Gulf of Mexico Fishery Management Council (Gulf Council), and

WHEREAS, regulations promulgated by NMFS are applicable in waters of the Exclusive Economic Zone (EEZ) of the U.S., generally three miles offshore, and

WHEREAS, rules will be established by NMFS, to provide for commercial harvest seasons for red snapper in the EEZ off of Louisiana, and

WHEREAS, the Department of Wildlife and Fisheries receives notice from the Gulf Council and NMFS requesting consistent regulations in Louisiana state waters which are preferable as they assist in enforcement of fishery rules, and

WHEREAS, in order to enact regulations in a timely manner so as to have compatible regulations in place in Louisiana waters for the 2004 commercial red snapper season, it is necessary that emergency rules be enacted, and

WHEREAS, R.S. 49:953(B) and R.S. 49:967 allow the Wildlife and Fisheries Commission to use emergency procedures to set finfish seasons, and

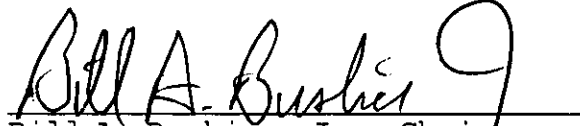
WHEREAS, R.S. 56:326.3 provides that the Wildlife and Fisheries Commission may set seasons for saltwater finfish,


THEREFORE BE IT RESOLVED, that the Wildlife and Fisheries Commission hereby establishes the 2004 seasons for commercial harvest of red snapper in Louisiana state waters, and

BE IT FURTHER RESOLVED, that all applicable rules regarding red snapper harvest including trip limits, permit requirements, and size limits, established by the Commission shall be in effect during the open seasons hereby established, and

BE IT FURTHER RESOLVED, that the secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this Declaration of Emergency, and

BE IT FURTHER RESOLVED, that a Declaration of Emergency setting the 2004 commercial red snapper season in Louisiana state waters is attached to and made part of this resolution.

  
\_\_\_\_\_  
Bill A. Busbice, Jr., Chairman  
Wildlife and Fisheries  
Commission

  
\_\_\_\_\_  
James R. Jenkins, Jr., Secretary  
Department of Wildlife and  
Fisheries

## DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission

### 2004 Commercial Red Snapper Seasons

The red snapper fishery in the Gulf of Mexico is cooperatively managed by the Louisiana Department of Wildlife and Fisheries (LDWF) and the National Marine Fisheries Services (NMFS) with advice from the Gulf of Mexico Fishery Management Council (Gulf Council). Regulations promulgated by NMFS are applicable in waters of the Exclusive Economic Zone (EEZ) of the U.S., generally three miles offshore. NMFS will provide rules for commercial harvest seasons for red snapper in the EEZ off of Louisiana. NMFS and the Gulf Council typically request consistent regulations in order to enhance the effectiveness and enforceability of regulations for EEZ waters.

In accordance with the emergency provisions of R.S. 49:953(B), the Administrative Procedure Act, R.S. 49:967 which allows the Wildlife and Fisheries Commission to use emergency procedures to set finfish seasons, and R.S. 56:326.3 which provides that the Wildlife and Fisheries Commission may set seasons for saltwater finfish; the Wildlife and Fisheries Commission hereby sets the following season for commercial harvest of red snapper in Louisiana state waters:

The season for the commercial fishery for red snapper in Louisiana state waters will open at 12 noon February 1, 2004. The commercial fishery for red snapper in Louisiana waters will close

at 12 noon February 10, 2004, and thereafter open at 12 noon on the first of each month and close at 12 noon on the tenth of each month, for each month of 2004 until two-thirds (2/3) of the 2004 commercial red snapper quota for the Gulf of Mexico has been harvested or projected to be harvested.

The Commission grants authority to the Secretary of the Department of Wildlife and Fisheries to set the closing date for the commercial red snapper season in Louisiana state waters when he is informed by the Regional Administrator of NMFS that two-thirds (2/3) of the commercial red snapper quota for the Gulf of Mexico has been harvested or projected to be harvested, such closure order shall close the season until 12 noon October 1, 2004, which is the date expected to be set for the re-opening of the 2004 commercial red snapper season in Federal waters.

The season for the commercial fishery for red snapper in Louisiana state waters will re-open at 12 noon October 1, 2004. The commercial fishery for red snapper in Louisiana waters will close at 12 noon October 10, 2004, and thereafter open at 12 noon on the first of each month and close at 12 noon on the tenth of each month for each month of 2004, until the remainder of the 2004 commercial quota is harvested.

The Commission grants authority to the Secretary to set the closing date for the commercial red snapper season in Louisiana state waters when he is informed by NMFS that the commercial red snapper quota for the Gulf of Mexico has been harvested or

projected to be harvested; such closure order shall close the season until the date set for the opening of the year 2005 commercial red snapper season in Federal waters.

The Commission grants authority to the Secretary to change the opening dates for the commercial red snapper season in Louisiana state waters if he is informed by NMFS that the season dates for the commercial harvest of red snapper in the federal waters of the Gulf of Mexico as set out herein have been modified, and that the NMFS requests that the season be modified in Louisiana state waters.

The Secretary is also authorized to re-open and close the commercial red snapper season outside of the season framework established herein in Louisiana state waters if he is informed by NMFS that the season dates for the commercial harvest of red snapper in the Federal waters of the Gulf of Mexico have been modified to re-open and close and that NMFS requests the season be re-opened and closed in Louisiana state waters.

Nothing herein shall preclude the legal harvest of red snapper by legally licensed recreational fishermen. Effective with any commercial closure, no person shall commercially harvest, transport, purchase, barter, trade, sell or attempt to purchase, barter, trade or sell red snapper, whether taken from within or without Louisiana territorial waters. Effective with the closure, no person shall possess red snapper in excess of a daily bag limit, whether taken from within or without Louisiana territorial waters.

Provided however that fish in excess of the daily bag limit which were legally taken prior to the closure may be purchased, possessed, transported, and sold by a licensed wholesale/retail dealer if appropriate records in accordance with R.S. 56:306.5 and R.S. 56:306.6 are properly maintained, and those other than wholesale/retail dealers may purchase such fish in excess of the daily bag limit from wholesale/retail dealers for their own use or for sale by a restaurant as prepared fish.

Bill A. Busbice, Jr.

Chairman



RESOLUTION

2004 COMMERCIAL RED SNAPPER SEASONS

January 8, 2004

WHEREAS, the red snapper fishery in the Gulf of Mexico off the coast of Louisiana is cooperatively managed by the Louisiana Department of Wildlife and Fisheries (LDWF) and the National Marine Fisheries Service (NMFS) with advice from the Gulf of Mexico Fishery Management Council (Gulf Council), and

WHEREAS, regulations promulgated by NMFS are applicable in waters of the Exclusive Economic Zone (EEZ) of the U.S., generally three miles offshore, and

WHEREAS, rules will be established by NMFS, to provide for commercial harvest seasons for red snapper in the EEZ off of Louisiana, and

WHEREAS, the Department of Wildlife and Fisheries receives notice from the Gulf Council and NMFS requesting consistent regulations in Louisiana state waters which are preferable as they assist in enforcement of fishery rules, and

WHEREAS, in order to enact regulations in a timely manner so as to have compatible regulations in place in Louisiana waters for the 2004 commercial red snapper season, it is necessary that emergency rules be enacted, and

WHEREAS, R.S. 49:953(B) and R.S. 49:967 allow the Wildlife and Fisheries Commission to use emergency procedures to set finfish seasons, and

WHEREAS, R.S. 56:326.3 provides that the Wildlife and Fisheries Commission may set seasons for saltwater finfish,

THEREFORE BE IT RESOLVED, that the Wildlife and Fisheries Commission hereby establishes the 2004 seasons for commercial harvest of red snapper in Louisiana state waters, and

BE IT FURTHER RESOLVED, that all applicable rules regarding red snapper harvest including trip limits, permit requirements, and size limits, established by the Commission shall be in effect during the open seasons hereby established, and

BE IT FURTHER RESOLVED, that the secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this Declaration of Emergency, and

BE IT FURTHER RESOLVED, that a Declaration of Emergency setting the 2004 commercial red snapper season in Louisiana state waters is attached to and made part of this resolution.

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Bill A. Busbice, Jr., Chairman  
Wildlife and Fisheries  
Commission

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James H. Jenkins, Jr., Secretary  
Department of Wildlife and  
Fisheries

## DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission

### 2004 Commercial Red Snapper Seasons

The red snapper fishery in the Gulf of Mexico is cooperatively managed by the Louisiana Department of Wildlife and Fisheries (LDWF) and the National Marine Fisheries Services (NMFS) with advice from the Gulf of Mexico Fishery Management Council (Gulf Council). Regulations promulgated by NMFS are applicable in waters of the Exclusive Economic Zone (EEZ) of the U.S., generally three miles offshore. NMFS will provide rules for commercial harvest seasons for red snapper in the EEZ off of Louisiana. NMFS and the Gulf Council typically request consistent regulations in order to enhance the effectiveness and enforceability of regulations for EEZ waters.

In accordance with the emergency provisions of R.S. 49:953(B), the Administrative Procedure Act, R.S. 49:967 which allows the Wildlife and Fisheries Commission to use emergency procedures to set finfish seasons, and R.S. 56:326.3 which provides that the Wildlife and Fisheries Commission may set seasons for saltwater finfish; the Wildlife and Fisheries Commission hereby sets the following season for commercial harvest of red snapper in Louisiana state waters:

The season for the commercial fishery for red snapper in Louisiana state waters will open at 12 noon February 1, 2004. The commercial fishery for red snapper in Louisiana waters will close

at 12 noon February 10, 2004, and thereafter open at 12 noon on the first of each month and close at 12 noon on the tenth of each month, for each month of 2004 until two-thirds (2/3) of the 2004 commercial red snapper quota for the Gulf of Mexico has been harvested or projected to be harvested.

The Commission grants authority to the Secretary of the Department of Wildlife and Fisheries to set the closing date for the commercial red snapper season in Louisiana state waters when he is informed by the Regional Administrator of NMFS that two-thirds (2/3) of the commercial red snapper quota for the Gulf of Mexico has been harvested or projected to be harvested, such closure order shall close the season until 12 noon October 1, 2004, which is the date expected to be set for the re-opening of the 2004 commercial red snapper season in Federal waters.

The season for the commercial fishery for red snapper in Louisiana state waters will re-open at 12 noon October 1, 2004. The commercial fishery for red snapper in Louisiana waters will close at 12 noon October 10, 2004, and thereafter open at 12 noon on the first of each month and close at 12 noon on the tenth of each month for each month of 2004, until the remainder of the 2004 commercial quota is harvested.

The Commission grants authority to the Secretary to set the closing date for the commercial red snapper season in Louisiana state waters when he is informed by NMFS that the commercial red snapper quota for the Gulf of Mexico has been harvested or

projected to be harvested; such closure order shall close the season until the date set for the opening of the year 2005 commercial red snapper season in Federal waters.

The Commission grants authority to the Secretary to change the opening dates for the commercial red snapper season in Louisiana state waters if he is informed by NMFS that the season dates for the commercial harvest of red snapper in the federal waters of the Gulf of Mexico as set out herein have been modified, and that the NMFS requests that the season be modified in Louisiana state waters.

The Secretary is also authorized to re-open and close the commercial red snapper season outside of the season framework established herein in Louisiana state waters if he is informed by NMFS that the season dates for the commercial harvest of red snapper in the Federal waters of the Gulf of Mexico have been modified to re-open and close and that NMFS requests the season be re-opened and closed in Louisiana state waters.

Nothing herein shall preclude the legal harvest of red snapper by legally licensed recreational fishermen. Effective with any commercial closure, no person shall commercially harvest, transport, purchase, barter, trade, sell or attempt to purchase, barter, trade or sell red snapper, whether taken from within or without Louisiana territorial waters. Effective with the closure, no person shall possess red snapper in excess of a daily bag limit, whether taken from within or without Louisiana territorial waters.

Provided however that fish in excess of the daily bag limit which were legally taken prior to the closure may be purchased, possessed, transported, and sold by a licensed wholesale/retail dealer if appropriate records in accordance with R.S. 56:306.5 and R.S. 56:306.6 are properly maintained, and those other than wholesale/retail dealers may purchase such fish in excess of the daily bag limit from wholesale/retail dealers for their own use or for sale by a restaurant as prepared fish.

Bill A. Busbice, Jr.

Chairman

RESOLUTION

2004 COMMERCIAL KING MACKEREL SEASON

January 8, 2004

WHEREAS, the king mackerel fishery in the Gulf of Mexico off the coast of Louisiana is cooperatively managed by the Louisiana Wildlife and Fisheries Commission, the Department of Wildlife and Fisheries (LDWF) and the National Marine Fisheries Service (NMFS) with advice from the Gulf of Mexico Fishery Management Council (Gulf Council), and

WHEREAS, regulations promulgated by NMFS are applicable in waters of the Exclusive Economic Zone (EEZ) of the U. S., which in Louisiana is generally three miles offshore, and

WHEREAS, NMFS requests consistent regulations in Louisiana state waters, which are preferable as they assist in enforcement of fishery rules, and

WHEREAS, the 2004 commercial king mackerel season in EEZ waters will open on July 1, 2004, and

WHEREAS, R.S. 49:953(B) allows the Wildlife and Fisheries Commission to use emergency procedures to set finfish seasons by emergency rule and R.S. 49:967 allows the Wildlife and Fisheries Commission to set finfish seasons and all rules and regulations pursuant thereto by emergency rule, and

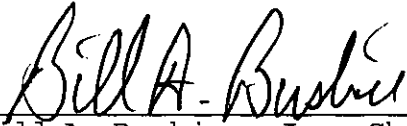
WHEREAS, R.S. 56:326.3 provides that the Wildlife and Fisheries Commission may set seasons for saltwater finfish,

THEREFORE BE IT RESOLVED, that the Wildlife and Fisheries Commission hereby establishes the 2004 season for commercial harvest of king mackerel in Louisiana state waters, and


BE IT FURTHER RESOLVED, that all applicable rules regarding the commercial king mackerel harvest including trip and size limits, established by the Commission shall be in effect during the open season hereby established, and

BE IT FURTHER RESOLVED, that the secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this Declaration of Emergency, and

BE IT FURTHER RESOLVED, that a Declaration of Emergency setting the 2004 commercial king mackerel season in Louisiana state waters is attached to and made part of this resolution.



Bill A. Busbice, Jr., Chairman  
Wildlife and Fisheries  
Commission



James H. Jenkins, Jr., Secretary  
Department of Wildlife and  
Fisheries



## DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission

### 2004 Commercial King Mackerel Season

In accordance with the emergency provisions of R.S. 49:953(B), the Administrative Procedure Act, R.S. 49:967 which allows the Wildlife and Fisheries Commission to use emergency procedures to set finfish seasons and all rules and regulations pursuant thereto by emergency rule, and R.S. 56:6(25)(a) and 56:326.3 which provide that the Wildlife and Fisheries Commission may set seasons for saltwater finfish; the Wildlife and Fisheries Commission hereby sets the following season and trip limit for the commercial harvest of king mackerel in Louisiana state waters:

The commercial season for king mackerel in Louisiana state waters will open at 12:01 a.m., July 1, 2004 and remain open until the allotted portion of the commercial king mackerel quota for the Western Gulf of Mexico has been harvested or projected to be harvested.

The Commission grants authority to the Secretary of the Department of Wildlife and Fisheries to close the commercial king mackerel season in Louisiana state waters when he is informed by the National Marine Fisheries Service (NMFS) that the commercial king mackerel quota for the Western Gulf of Mexico has been harvested or is projected to be harvested, such closure order shall close the season until 12:01 a.m., July 1, 2005, which is the date expected to be set for the re-opening of the 2005 commercial king

mackerel season in Federal waters.

The Commission also authorizes the Secretary to open an additional commercial king mackerel season in Louisiana state waters if he is informed that NMFS has opened an additional season and to close such season when he is informed that the commercial king mackerel quota for the western Gulf of Mexico has been filled, or is projected to be filled.

Nothing herein shall preclude the legal harvest of king mackerel by legally licensed recreational fishermen. Effective with any closure, no person shall commercially harvest, transport, purchase, barter, trade, sell or attempt to purchase, barter, trade or sell king mackerel, whether taken from within or without Louisiana territorial waters. Effective with the closure, no person shall possess king mackerel in excess of a daily bag limit, whether taken from within or without Louisiana territorial waters. Provided however that fish in excess of the daily bag limit which were legally taken prior to the closure may be purchased, possessed, transported, and sold by a licensed wholesale/retail dealer if appropriate records in accordance with R.S. 56:306.5 and R.S. 56:306.6 are properly maintained. Those other than wholesale/retail dealers may purchase such fish in excess of the daily bag limit from wholesale/retail dealers for their own use or for sale by a restaurant as prepared fish.

Bill A. Busbice, Jr.

Chairman

RESOLUTION

2004 COMMERCIAL KING MACKEREL SEASON

January 8, 2004

WHEREAS, the king mackerel fishery in the Gulf of Mexico off the coast of Louisiana is cooperatively managed by the Louisiana Wildlife and Fisheries Commission, the Department of Wildlife and Fisheries (LDWF) and the National Marine Fisheries Service (NMFS) with advice from the Gulf of Mexico Fishery Management Council (Gulf Council), and

WHEREAS, regulations promulgated by NMFS are applicable in waters of the Exclusive Economic Zone (EEZ) of the U. S., which in Louisiana is generally three miles offshore, and

WHEREAS, NMFS requests consistent regulations in Louisiana state waters, which are preferable as they assist in enforcement of fishery rules, and

WHEREAS, the 2004 commercial king mackerel season in EEZ waters will open on July 1, 2004, and

WHEREAS, R.S. 49:953(B) allows the Wildlife and Fisheries Commission to use emergency procedures to set finfish seasons by emergency rule and R.S. 49:967 allows the Wildlife and Fisheries Commission to set finfish seasons and all rules and regulations pursuant thereto by emergency rule, and

WHEREAS, R.S. 56:326.3 provides that the Wildlife and Fisheries Commission may set seasons for saltwater finfish,

THEREFORE BE IT RESOLVED, that the Wildlife and Fisheries Commission hereby establishes the 2004 season for commercial harvest of king mackerel in Louisiana state waters, and

BE IT FURTHER RESOLVED, that all applicable rules regarding the commercial king mackerel harvest including trip and size limits, established by the Commission shall be in effect during the open season hereby established, and

BE IT FURTHER RESOLVED, that the secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this Declaration of Emergency, and

BE IT FURTHER RESOLVED, that a Declaration of Emergency setting the 2004 commercial king mackerel season in Louisiana state waters is attached to and made part of this resolution.

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Bill A. Busbice, Jr., Chairman  
Wildlife and Fisheries  
Commission

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James H. Jenkins, Jr., Secretary  
Department of Wildlife and  
Fisheries

## DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission

2004 Commercial King Mackerel Season

In accordance with the emergency provisions of R.S. 49:953(B), the Administrative Procedure Act, R.S. 49:967 which allows the Wildlife and Fisheries Commission to use emergency procedures to set finfish seasons and all rules and regulations pursuant thereto by emergency rule, and R.S. 56:6(25)(a) and 56:326.3 which provide that the Wildlife and Fisheries Commission may set seasons for saltwater finfish; the Wildlife and Fisheries Commission hereby sets the following season and trip limit for the commercial harvest of king mackerel in Louisiana state waters:

The commercial season for king mackerel in Louisiana state waters will open at 12:01 a.m., July 1, 2004 and remain open until the allotted portion of the commercial king mackerel quota for the Western Gulf of Mexico has been harvested or projected to be harvested.

The Commission grants authority to the Secretary of the Department of Wildlife and Fisheries to close the commercial king mackerel season in Louisiana state waters when he is informed by the National Marine Fisheries Service (NMFS) that the commercial king mackerel quota for the Western Gulf of Mexico has been harvested or is projected to be harvested, such closure order shall close the season until 12:01 a.m., July 1, 2005, which is the date expected to be set for the re-opening of the 2005 commercial king

mackerel season in Federal waters.

The Commission also authorizes the Secretary to open an additional commercial king mackerel season in Louisiana state waters if he is informed that NMFS has opened an additional season and to close such season when he is informed that the commercial king mackerel quota for the western Gulf of Mexico has been filled, or is projected to be filled.

Nothing herein shall preclude the legal harvest of king mackerel by legally licensed recreational fishermen. Effective with any closure, no person shall commercially harvest, transport, purchase, barter, trade, sell or attempt to purchase, barter, trade or sell king mackerel, whether taken from within or without Louisiana territorial waters. Effective with the closure, no person shall possess king mackerel in excess of a daily bag limit, whether taken from within or without Louisiana territorial waters. Provided however that fish in excess of the daily bag limit which were legally taken prior to the closure may be purchased, possessed, transported, and sold by a licensed wholesale/retail dealer if appropriate records in accordance with R.S. 56:306.5 and R.S. 56:306.6 are properly maintained. Those other than wholesale/retail dealers may purchase such fish in excess of the daily bag limit from wholesale/retail dealers for their own use or for sale by a restaurant as prepared fish.

Bill A. Busbice, Jr.

Chairman

RESOLUTION

DESIGNATION OF ADDITIONAL LAKE BORGNE  
PUBLIC OYSTER SEED GROUNDS

January 8, 2004

- WHEREAS, R.S. 56:6(12) provides that the Commission shall improve, enlarge, and protect the natural oyster reefs of this state as conditions may warrant, and
- WHEREAS, R.S. 56:434(A) provides that the Commission shall designate and set aside area from the water bottoms of the state as it judges best adapted to the planting, propagation, growth, and policing of seed oysters, and
- WHEREAS, the oyster resource availability on the public oyster seed grounds in the Lake Borgne area has fallen to roughly 30% of levels measured in 2001, and
- WHEREAS, portions of un-leased water bottoms in Lake Borgne that are not part of the current Lake Borgne Public Oyster Seed Ground as described in LAC 76:VII.513 contain oysters of harvestable size and quantity, and
- WHEREAS, the current oyster lease moratorium effectively prohibits harvest of this oyster resource as these water bottoms are not available for lease, and
- WHEREAS, the proposed additional acreage would create a contiguous seed ground by adding acreage to the existing Lake Borgne Public Oyster Seed Ground that could be effectively managed and patrolled in the best interest of the state, and
- WHEREAS, the Louisiana Oyster Task Force has recommended that the additional acreage be added to the Lake Borgne Public Oyster Seed Ground, and
- WHEREAS, the oyster resource in this area would be immediately placed under active state management for the long-term benefit of the resource and protection of the natural reefs, and this would allow harvest of this resource providing immediate economic benefit to the oyster industry, and
- WHEREAS, the X and Y coordinates (1927 datum) used to describe the existing Lake Borgne Public Oyster Seed Grounds were terminated on December 31, 1995 as per La. R.S. 50:11, now

THEREFORE BE IT RESOLVED, the Wildlife and Fisheries Commission does hereby declare and designate additional public oyster seed ground acreage on those water bottoms of Lake Borgne within the areas described in the attached Declaration of Emergency, and


BE IT FURTHER RESOLVED, the oyster season within the areas described in the attached Declaration of Emergency shall open one-half hour before sunrise January 12, 2004 and follow the remaining seasonal framework set forth by Commission action on August 6, 2003 for the Lake Borgne Public Oyster Seed Ground and shall close one-half hour after sunset on April 1, 2004, and


BE IT FURTHER RESOLVED, the coordinates used to describe the existing Lake Borgne Public Oyster Seed Grounds shall be converted to Latitude and Longitude (1983 datum), and

BE IT FURTHER RESOLVED, that the Secretary of the Department of Wildlife and Fisheries is authorized to take emergency action if necessary, to close areas if oyster mortalities are occurring or where it is found that there are excessive amounts of shell in seed oyster loads, or if enforcement problems are encountered, and

BE IT FURTHER RESOLVED, the Secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the Commission to effectuate this Declaration of Emergency and Notice of Intent, including but not limited to the preparation of reports and correspondence to other agencies of government, and

BE IT FURTHER RESOLVED, a Declaration of Emergency and Notice of Intent establishing the additional Lake Borgne Public Oyster Seed Grounds is attached to and made part of this resolution.

  
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Bill A. Busbice, Jr., Chairman  
Wildlife and Fisheries  
Commission

  
\_\_\_\_\_  
James H. Jenkins, Jr., Secretary  
Department of Wildlife and  
Fisheries



## DECLARATION OF EMERGENCY

### Department of Wildlife and Fisheries Wildlife and Fisheries Commission

In accordance with emergency provisions of the Administrative Procedure Act, R.S. 49:953(B) and R.S. 49:957 which allows the Wildlife and Fisheries Commission to use emergency procedures to set oyster seasons, and in accordance with R.S. 56:6(12) and R.S. 56:434(A) which allows the Commission to enlarge the natural reefs of the state and to designate and set aside state water bottoms for the planting, growth, propagation, and policing of seed oysters, the Wildlife and Fisheries Commission does hereby declare and designate additional public oyster seed ground acreage on those water bottoms of Lake Borgne in St. Bernard Parish, more specifically described below, to be added to the Lake Borgne Public Oyster Seed Ground as described in Louisiana Administrative Code (LAC) 76:VII.513. The oyster harvest season in this additional area shall open one-half hour before sunrise January 12, 2004 and follow the remaining seasonal framework set forth by Commission action on August 6, 2003 for the Lake Borgne Public Oyster Seed Ground and shall close one-half hour after sunset on April 1, 2004.

Due to the declining availability of oyster resources on the Lake Borgne Public Oyster Seed Ground, the current oyster lease moratorium on the issuance of new oyster leases, and the availability of oyster resource located on un-leased water bottoms adjacent to the current Lake Borgne Public Oyster Seed Ground, the expansion of the Lake Borgne Public Oyster Seed Ground is needed to

enhance the economic sustainability of the Louisiana oyster industry. The oyster resource in this area would be immediately placed under active state management for the long-term benefit of the resource and protection of the natural reefs. This would allow harvest of this resource providing immediate economic benefit to the oyster industry. Without the presence of the current oyster lease moratorium, this area would be open for leasing and, thus, the oyster resource would be available for harvest.

The Secretary of the Department of Wildlife and Fisheries is authorized to take emergency action as necessary to close areas if oyster mortalities are occurring or where it is found that there are excessive amounts of shell in seed oyster loads, or if enforcement problems are encountered.

All statutes, regulations, and policies pertaining to the use of public oyster grounds will be in force in the additional Lake Borgne Public Oyster Seed Grounds described in Paragraphs 2, 3, and 4 below with the exception of any additional mitigation requirements levied from time to time for construction, oil and gas exploration, or pipeline construction activities for the term of this Declaration of Emergency.

In addition, the X and Y coordinates (1927 datum) used to describe the existing Lake Borgne Public Oyster Seed Grounds shall be converted to Latitude and Longitude (1983 datum) so as to comply with R.S. 50:11.

This Declaration of Emergency will become effective January 8,

2004 and shall remain in effect for the maximum period allowed under the Administrative Procedure Act or until revocation by the Commission and the Department.

Therefore, the Wildlife and Fisheries Commission does hereby declare the following water bottoms of Lake Borgne as described below as the Lake Borgne Public Oyster Seed Ground:

## **Title 76**

### **WILDLIFE AND FISHERIES**

#### **Part VII. Fish and Other Aquatic Life**

##### **Chapter 5. Oyster**

##### **§513. Public Oyster Seed Ground Addition - Lake Borgne**

The Lake Borgne Public Oyster Seed Ground is described as that portion of the state water bottoms:

1. Beginning at the most northerly point of Malheureux Point latitude 30° 04' 48.216" north, longitude 89° 29' 02.247" west on the southern shoreline of Lake Borgne; thence southwesterly a distance of 16.6 miles to the most easterly point of Proctor Point latitude 29° 56' 46.459" north, longitude 89° 42' 51.039" west on the southwestern shoreline of Lake Borgne; thence northerly a distance of 5.6 miles to the most easterly point of Alligator Point latitude 30° 01' 39.731" north, longitude 89° 43' 01.767" west on the northern shoreline of Lake Borgne; thence northeasterly along the northern shoreline of Lake Borgne a distance of 19.1 miles to the intersection with the western shoreline of the Pearl River latitude 30° 10' 39.633" north, longitude 89° 31' 53.828" west;

thence northerly along the western shoreline of the Pearl River a distance of 0.25 miles to a point latitude 30° 10' 52.888" north, longitude 89° 31' 53.736" west on the western shoreline of the Pearl River; thence easterly a distance of 1.15 miles to the Pearl River Beacon No. 8 latitude 30° 11' 00.429" north, longitude 89° 31' 28.187" west; thence southeasterly a distance of 7.5 miles to the point of beginning.

2. Beginning at the southeastern corner of the existing Lake Borgne Public Oyster Seed Ground as described in Paragraph 1 above, which is the most easterly point of Proctor Point, at latitude 29° 56' 46.459" north, longitude 89° 42' 51.039" west; thence westerly along the shoreline of Lake Borgne to latitude 29° 55' 54.300" north, longitude 89° 47' 57.000" west; thence north to latitude 30° 00' 46.000" north, longitude 89° 47' 57.000" west; thence east to the western boundary of the existing Lake Borgne Public Oyster Seed Ground at latitude 30° 00' 46.000" north, longitude 89° 42' 59.799" west; thence southerly along the western boundary of the existing Lake Borgne Public Oyster Seed Ground to the point of beginning.

3. Beginning at the southeastern corner of the existing Lake Borgne Public Oyster Seed Ground as described in Paragraph 1 above, which is the most easterly point of Proctor Point, at latitude 29° 56' 46.459" north, longitude 89° 42' 51.039" west; thence northeasterly along the southern boundary of the existing Lake Borgne Public Oyster Seed Ground to latitude 30° 01' 18.470"

north, longitude 89° 35' 03.662" west; thence southwesterly to latitude 29° 53' 22.749" north, longitude 89° 42' 12.538" west; thence northwesterly to a point on the shoreline of Lake Borgne at latitude 29° 56' 12.711" north, longitude 89° 44' 11.750" west; thence northeasterly along the shoreline of Lake Borgne to the point of beginning.

4. Beginning at a point on the southern boundary of the existing Lake Borgne Public Oyster Seed Ground, as described in Paragraph 1 above, at latitude 30° 01' 25.814" north, longitude 89° 34' 51.025" west; thence northeasterly along the southern boundary of the existing Lake Borgne Public Oyster Seed Ground to latitude 30° 04' 01.816" north, longitude 89° 30' 22.277" west; thence southerly to latitude 30° 02' 25.177" north, longitude 89° 30' 22.277" west; thence southwesterly to latitude 30° 00' 26.497" north, longitude 89° 34' 05.521" west; thence northwesterly to the point of beginning.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(12) and R.S. 56:434(A).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 21:707 (July 1995), amended LR 30:\_\_\_\_.

Bill A. Busbice, Jr.

Chairman

## NOTICE OF INTENT

### Department of Wildlife and Fisheries Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission does hereby give notice of its intent to designate additional Lake Borgne Public Oyster Seed Grounds in St. Bernard Parish to be added to the Lake Borgne Public Oyster Seed Ground as described in Louisiana Administrative Code (LAC) 76:VII.513. Authority to establish this addition to the Lake Borgne Public Oyster Seed Ground is vested in the Wildlife and Fisheries Commission by R.S. 56:6(12) and R.S. 56:434(A).

### Title 76

### WILDLIFE AND FISHERIES

### Part VII. Fish and Other Aquatic Life

### Chapter 5. Oyster

### §513. Public Oyster Seed Ground Addition - Lake Borgne

The Lake Borgne Public Oyster Seed Ground is described as that portion of the state water bottoms:

1. Beginning at the most northerly point of Malheureux Point ~~(Y-518,620) (X-2,584,920)~~ latitude 30° 04' 48.216" north, longitude 89° 29' 02.247" west on the southern shoreline of Lake Borgne; thence southwesterly a distance of 16.6 miles to the most easterly point of Proctor Point ~~(Y-468,858) (X-2,512,804)~~ latitude 29° 56' 46.459" north, longitude 89° 42' 51.039" west on the southwestern shoreline of Lake Borgne; thence northerly a distance of 5.6 miles to the most easterly point of Alligator Point ~~(Y-~~

~~498,467~~) ~~(X-2,511,442)~~ latitude 30° 01' 39.731" north, longitude 89° 43' 01.767" west on the northern shoreline of Lake Borgne; thence northeasterly along the northern shoreline of Lake Borgne a distance of 19.1 miles to the intersection with the western shoreline of the Pearl River ~~(Y-553,875)~~ ~~(X-2,569,290)~~ latitude 30° 10' 39.633" north, longitude 89° 31' 53.828" west; thence northerly along the western shoreline of the Pearl River a distance of 0.25 miles to a point ~~(Y-555,214)~~ ~~(X-2,569,277)~~ latitude 30° 10' 52.888" north, longitude 89° 31' 53.736" west on the western shoreline of the Pearl River; thence easterly a distance of 1.15 miles to the Pearl River Beacon No. 8 ~~(Y-556,011)~~ ~~(X-2,571,507)~~ latitude 30° 11' 00.429" north, longitude 89° 31' 28.187" west; thence southeasterly a distance of 7.5 miles to the point of beginning.

2. Beginning at the southeastern corner of the existing Lake Borgne Public Oyster Seed Ground as described in Paragraph 1 above, which is the most easterly point of Proctor Point, at latitude 29° 56' 46.459" north, longitude 89° 42' 51.039" west; thence westerly along the shoreline of Lake Borgne to latitude 29° 55' 54.300" north, longitude 89° 47' 57.000" west; thence north to latitude 30° 00' 46.000" north, longitude 89° 47' 57.000" west; thence east to the western boundary of the existing Lake Borgne Public Oyster Seed Ground at latitude 30° 00' 46.000" north, longitude 89° 42' 59.799" west; thence southerly along the western boundary of the existing Lake Borgne Public Oyster Seed Ground to the point of beginning.

3. Beginning at the southeastern corner of the existing Lake Borgne Public Oyster Seed Ground as described in Paragraph 1 above, which is the most easterly point of Proctor Point, at latitude 29° 56' 46.459" north, longitude 89° 42' 51.039" west; thence northeasterly along the southern boundary of the existing Lake Borgne Public Oyster Seed Ground to latitude 30° 01' 18.470" north, longitude 89° 35' 03.662" west; thence southwesterly to latitude 29° 53' 22.749" north, longitude 89° 42' 12.538" west; thence northwesterly to a point on the shoreline of Lake Borgne at latitude 29° 56' 12.711" north, longitude 89° 44' 11.750" west; thence northeasterly along the shoreline of Lake Borgne to the point of beginning.

4. Beginning at a point on the southern boundary of the existing Lake Borgne Public Oyster Seed Ground, as described in Paragraph 1 above, at latitude 30° 01' 25.814" north, longitude 89° 34' 51.025" west; thence northeasterly along the southern boundary of the existing Lake Borgne Public Oyster Seed Ground to latitude 30° 04' 01.816" north, longitude 89° 30' 22.277" west; thence southerly to latitude 30° 02' 25.177" north, longitude 89° 30' 22.277" west; thence southwesterly to latitude 30° 00' 26.497" north, longitude 89° 34' 05.521" west; thence northwesterly to the point of beginning.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(12) and R.S. 56:434(A).

HISTORICAL NOTE: Promulgated by the Department of Wildlife



and Fisheries, Wildlife and Fisheries Commission, LR 21:707 (July 1995), amended LR 30:\_\_\_\_.

The Secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this notice of intent and the final rule, including but not limited to, the filing of the fiscal and economic impact statement, the filing of the notice of intent and final rule and the preparation of reports and correspondence to other agencies of government.

Interested persons may submit written comments relative to the proposed rule until 4:30 p.m., March 4, 2004 to Mr. Patrick D. Banks, Department of Wildlife and Fisheries, Marine Fisheries Division, Box 98000, Baton Rouge, LA, 70898-9000.

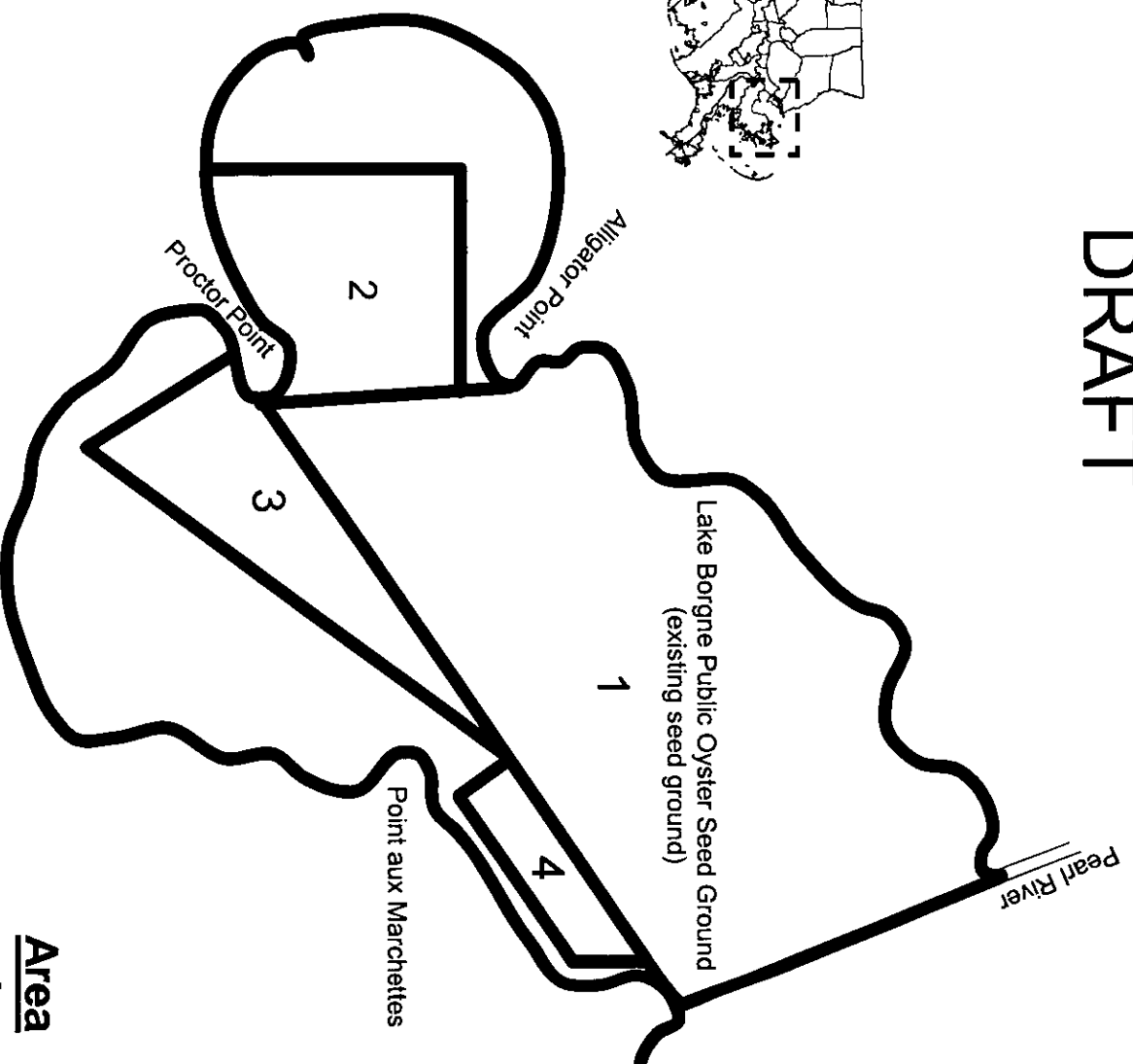
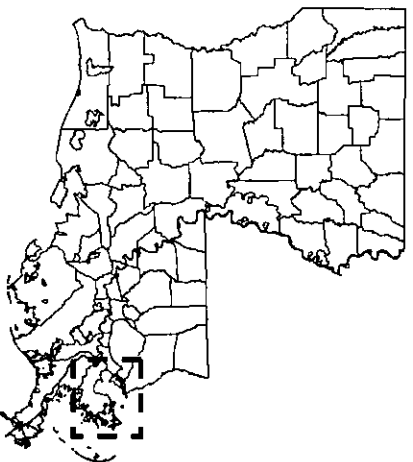
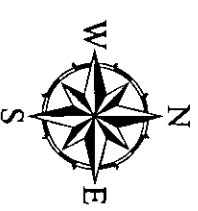
In accordance with Act 1183 of 1999, the Department of Wildlife and Fisheries/Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection with the preceding Notice of Intent: This Notice of Intent will have no impact on the six criteria set out in R.S. 49:972(B).

Bill A. Busbice, Jr.

Chairman

# Lake Borgne Seed Ground Additions

## DRAFT



<u>Area</u>	<u>Approximate Acreage</u>
1	76,897
2	15,374
3	12,623
4	4,538

## RESOLUTION

### DESIGNATION OF ADDITIONAL LAKE BORGNE PUBLIC OYSTER SEED GROUNDS

January 8, 2004

- WHEREAS, R.S. 56:6(12) provides that the Commission shall improve, enlarge, and protect the natural oyster reefs of this state as conditions may warrant, and
- WHEREAS, R.S. 56:434(A) provides that the Commission shall designate and set aside area from the water bottoms of the state as it judges best adapted to the planting, propagation, growth, and policing of seed oysters, and
- WHEREAS, the oyster resource availability on the public oyster seed grounds in the Lake Borgne area has fallen to roughly 30% of levels measured in 2001, and
- WHEREAS, portions of un-leased water bottoms in Lake Borgne that are not part of the current Lake Borgne Public Oyster Seed Ground as described in LAC 76:VII.513 contain oysters of harvestable size and quantity, and
- WHEREAS, the current oyster lease moratorium effectively prohibits harvest of this oyster resource as these water bottoms are not available for lease, and
- WHEREAS, the proposed additional acreage would create a contiguous seed ground by adding acreage to the existing Lake Borgne Public Oyster Seed Ground that could be effectively managed and patrolled in the best interest of the state, and
- WHEREAS, the Louisiana Oyster Task Force has recommended that the additional acreage be added to the Lake Borgne Public Oyster Seed Ground, and
- WHEREAS, the oyster resource in this area would be immediately placed under active state management for the long-term benefit of the resource and protection of the natural reefs, and this would allow harvest of this resource providing immediate economic benefit to the oyster industry, and
- WHEREAS, the X and Y coordinates (1927 datum) used to describe the existing Lake Borgne Public Oyster Seed Grounds were terminated on December 31, 1995 as per La. R.S. 50:11, now

THEREFORE BE IT RESOLVED, the Wildlife and Fisheries Commission does hereby declare and designate additional public oyster seed ground acreage on those water bottoms of Lake Borgne within the areas described in the attached Declaration of Emergency, and

BE IT FURTHER RESOLVED, the oyster season within the areas described in the attached Declaration of Emergency shall open one-half hour before sunrise January 12, 2004 and follow the remaining seasonal framework set forth by Commission action on August 6, 2003 for the Lake Borgne Public Oyster Seed Ground and shall close one-half hour after sunset on April 1, 2004, and

BE IT FURTHER RESOLVED, the coordinates used to describe the existing Lake Borgne Public Oyster Seed Grounds shall be converted to Latitude and Longitude (1983 datum), and

BE IT FURTHER RESOLVED, that the Secretary of the Department of Wildlife and Fisheries is authorized to take emergency action if necessary, to close areas if oyster mortalities are occurring or where it is found that there are excessive amounts of shell in seed oyster loads, or if enforcement problems are encountered, and

BE IT FURTHER RESOLVED, the Secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the Commission to effectuate this Declaration of Emergency and Notice of Intent, including but not limited to the preparation of reports and correspondence to other agencies of government, and

BE IT FURTHER RESOLVED, a Declaration of Emergency and Notice of Intent establishing the additional Lake Borgne Public Oyster Seed Grounds is attached to and made part of this resolution.

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Bill A. Busbice, Jr., Chairman  
Wildlife and Fisheries  
Commission

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James H. Jenkins, Jr., Secretary  
Department of Wildlife and  
Fisheries

## DECLARATION OF EMERGENCY

### Department of Wildlife and Fisheries Wildlife and Fisheries Commission

In accordance with emergency provisions of the Administrative Procedure Act, R.S. 49:953(B) and R.S. 49:957 which allows the Wildlife and Fisheries Commission to use emergency procedures to set oyster seasons, and in accordance with R.S. 56:6(12) and R.S. 56:434(A) which allows the Commission to enlarge the natural reefs of the state and to designate and set aside state water bottoms for the planting, growth, propagation, and policing of seed oysters, the Wildlife and Fisheries Commission does hereby declare and designate additional public oyster seed ground acreage on those water bottoms of Lake Borgne in St. Bernard Parish, more specifically described below, to be added to the Lake Borgne Public Oyster Seed Ground as described in Louisiana Administrative Code (LAC) 76:VII.513. The oyster harvest season in this additional area shall open one-half hour before sunrise January 12, 2004 and follow the remaining seasonal framework set forth by Commission action on August 6, 2003 for the Lake Borgne Public Oyster Seed Ground and shall close one-half hour after sunset on April 1, 2004.

Due to the declining availability of oyster resources on the Lake Borgne Public Oyster Seed Ground, the current oyster lease moratorium on the issuance of new oyster leases, and the availability of oyster resource located on un-leased water bottoms adjacent to the current Lake Borgne Public Oyster Seed Ground, the expansion of the Lake Borgne Public Oyster Seed Ground is needed to

enhance the economic sustainability of the Louisiana oyster industry. The oyster resource in this area would be immediately placed under active state management for the long-term benefit of the resource and protection of the natural reefs. This would allow harvest of this resource providing immediate economic benefit to the oyster industry. Without the presence of the current oyster lease moratorium, this area would be open for leasing and, thus, the oyster resource would be available for harvest.

The Secretary of the Department of Wildlife and Fisheries is authorized to take emergency action as necessary to close areas if oyster mortalities are occurring or where it is found that there are excessive amounts of shell in seed oyster loads, or if enforcement problems are encountered.

All statutes, regulations, and policies pertaining to the use of public oyster grounds will be in force in the additional Lake Borgne Public Oyster Seed Grounds described in Paragraphs 2, 3, and 4 below with the exception of any additional mitigation requirements levied from time to time for construction, oil and gas exploration, or pipeline construction activities for the term of this Declaration of Emergency.

In addition, the X and Y coordinates (1927 datum) used to describe the existing Lake Borgne Public Oyster Seed Grounds shall be converted to Latitude and Longitude (1983 datum) so as to comply with R.S. 50:11.

This Declaration of Emergency will become effective January 8,

2004 and shall remain in effect for the maximum period allowed under the Administrative Procedure Act or until revocation by the Commission and the Department.

Therefore, the Wildlife and Fisheries Commission does hereby declare the following water bottoms of Lake Borgne as described below as the Lake Borgne Public Oyster Seed Ground:

## Title 76

### WILDLIFE AND FISHERIES

#### Part VII. Fish and Other Aquatic Life

##### Chapter 5. Oyster

##### §513. Public Oyster Seed Ground Addition - Lake Borgne

The Lake Borgne Public Oyster Seed Ground is described as that portion of the state water bottoms:

1. Beginning at the most northerly point of Malheureux Point latitude 30° 04' 48.216" north, longitude 89° 29' 02.247" west on the southern shoreline of Lake Borgne; thence southwesterly a distance of 16.6 miles to the most easterly point of Proctor Point latitude 29° 56' 46.459" north, longitude 89° 42' 51.039" west on the southwestern shoreline of Lake Borgne; thence northerly a distance of 5.6 miles to the most easterly point of Alligator Point latitude 30° 01' 39.731" north, longitude 89° 43' 01.767" west on the northern shoreline of Lake Borgne; thence northeasterly along the northern shoreline of Lake Borgne a distance of 19.1 miles to the intersection with the western shoreline of the Pearl River latitude 30° 10' 39.633" north, longitude 89° 31' 53.828" west;

thence northerly along the western shoreline of the Pearl River a distance of 0.25 miles to a point latitude  $30^{\circ} 10' 52.888''$  north, longitude  $89^{\circ} 31' 53.736''$  west on the western shoreline of the Pearl River; thence easterly a distance of 1.15 miles to the Pearl River Beacon No. 8 latitude  $30^{\circ} 11' 00.429''$  north, longitude  $89^{\circ} 31' 28.187''$  west; thence southeasterly a distance of 7.5 miles to the point of beginning.

2. Beginning at the southeastern corner of the existing Lake Borgne Public Oyster Seed Ground as described in Paragraph 1 above, which is the most easterly point of Proctor Point, at latitude  $29^{\circ} 56' 46.459''$  north, longitude  $89^{\circ} 42' 51.039''$  west; thence westerly along the shoreline of Lake Borgne to latitude  $29^{\circ} 55' 54.300''$  north, longitude  $89^{\circ} 47' 57.000''$  west; thence north to latitude  $30^{\circ} 00' 46.000''$  north, longitude  $89^{\circ} 47' 57.000''$  west; thence east to the western boundary of the existing Lake Borgne Public Oyster Seed Ground at latitude  $30^{\circ} 00' 46.000''$  north, longitude  $89^{\circ} 42' 59.799''$  west; thence southerly along the western boundary of the existing Lake Borgne Public Oyster Seed Ground to the point of beginning.

3. Beginning at the southeastern corner of the existing Lake Borgne Public Oyster Seed Ground as described in Paragraph 1 above, which is the most easterly point of Proctor Point, at latitude  $29^{\circ} 56' 46.459''$  north, longitude  $89^{\circ} 42' 51.039''$  west; thence northeasterly along the southern boundary of the existing Lake Borgne Public Oyster Seed Ground to latitude  $30^{\circ} 01' 18.470''$



north, longitude 89° 35' 03.662" west; thence southwesterly to latitude 29° 53' 22.749" north, longitude 89° 42' 12.538" west; thence northwesterly to a point on the shoreline of Lake Borgne at latitude 29° 56' 12.711" north, longitude 89° 44' 11.750" west; thence northeasterly along the shoreline of Lake Borgne to the point of beginning.

4. Beginning at a point on the southern boundary of the existing Lake Borgne Public Oyster Seed Ground, as described in Paragraph 1 above, at latitude 30° 01' 25.814" north, longitude 89° 34' 51.025" west; thence northeasterly along the southern boundary of the existing Lake Borgne Public Oyster Seed Ground to latitude 30° 04' 01.816" north, longitude 89° 30' 22.277" west; thence southerly to latitude 30° 02' 25.177" north, longitude 89° 30' 22.277" west; thence southwesterly to latitude 30° 00' 26.497" north, longitude 89° 34' 05.521" west; thence northwesterly to the point of beginning.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(12) and R.S. 56:434(A).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 21:707 (July 1995), amended LR 30:\_\_\_\_.

Bill A. Busbice, Jr.

Chairman

## NOTICE OF INTENT

### Department of Wildlife and Fisheries Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission does hereby give notice of its intent to designate additional Lake Borgne Public Oyster Seed Grounds in St. Bernard Parish to be added to the Lake Borgne Public Oyster Seed Ground as described in Louisiana Administrative Code (LAC) 76:VII.513. Authority to establish this addition to the Lake Borgne Public Oyster Seed Ground is vested in the Wildlife and Fisheries Commission by R.S. 56:6(12) and R.S. 56:434(A).

## Title 76

### WILDLIFE AND FISHERIES

#### Part VII. Fish and Other Aquatic Life

#### Chapter 5. Oyster

#### §513. Public Oyster Seed Ground Addition - Lake Borgne

The Lake Borgne Public Oyster Seed Ground is described as that portion of the state water bottoms:

1. Beginning at the most northerly point of Malheureux Point ~~(Y-518,620)~~ ~~(X-2,584,920)~~ latitude 30° 04' 48.216" north, longitude 89° 29' 02.247" west on the southern shoreline of Lake Borgne; thence southwesterly a distance of 16.6 miles to the most easterly point of Proctor Point ~~(Y-468,858)~~ ~~(X-2,512,804)~~ latitude 29° 56' 46.459" north, longitude 89° 42' 51.039" west on the southwestern shoreline of Lake Borgne; thence northerly a distance of 5.6 miles to the most easterly point of Alligator Point ~~(Y-~~

~~498,467~~) ~~(X-2,511,442)~~ latitude 30° 01' 39.731" north, longitude 89° 43' 01.767" west on the northern shoreline of Lake Borgne; thence northeasterly along the northern shoreline of Lake Borgne a distance of 19.1 miles to the intersection with the western shoreline of the Pearl River ~~(Y-553,875)~~ ~~(X-2,569,290)~~ latitude 30° 10' 39.633" north, longitude 89° 31' 53.828" west; thence northerly along the western shoreline of the Pearl River a distance of 0.25 miles to a point ~~(Y-555,214)~~ ~~(X-2,569,277)~~ latitude 30° 10' 52.888" north, longitude 89° 31' 53.736" west on the western shoreline of the Pearl River; thence easterly a distance of 1.15 miles to the Pearl River Beacon No. 8 ~~(Y-556,011)~~ ~~(X-2,571,507)~~ latitude 30° 11' 00.429" north, longitude 89° 31' 28.187" west; thence southeasterly a distance of 7.5 miles to the point of beginning.

2. Beginning at the southeastern corner of the existing Lake Borgne Public Oyster Seed Ground as described in Paragraph 1 above, which is the most easterly point of Proctor Point, at latitude 29° 56' 46.459" north, longitude 89° 42' 51.039" west; thence westerly along the shoreline of Lake Borgne to latitude 29° 55' 54.300" north, longitude 89° 47' 57.000" west; thence north to latitude 30° 00' 46.000" north, longitude 89° 47' 57.000" west; thence east to the western boundary of the existing Lake Borgne Public Oyster Seed Ground at latitude 30° 00' 46.000" north, longitude 89° 42' 59.799" west; thence southerly along the western boundary of the existing Lake Borgne Public Oyster Seed Ground to the point of beginning.

3. Beginning at the southeastern corner of the existing Lake Borgne Public Oyster Seed Ground as described in Paragraph 1 above, which is the most easterly point of Proctor Point, at latitude 29° 56' 46.459" north, longitude 89° 42' 51.039" west; thence northeasterly along the southern boundary of the existing Lake Borgne Public Oyster Seed Ground to latitude 30° 01' 18.470" north, longitude 89° 35' 03.662" west; thence southwesterly to latitude 29° 53' 22.749" north, longitude 89° 42' 12.538" west; thence northwesterly to a point on the shoreline of Lake Borgne at latitude 29° 56' 12.711" north, longitude 89° 44' 11.750" west; thence northeasterly along the shoreline of Lake Borgne to the point of beginning.

4. Beginning at a point on the southern boundary of the existing Lake Borgne Public Oyster Seed Ground, as described in Paragraph 1 above, at latitude 30° 01' 25.814" north, longitude 89° 34' 51.025" west; thence northeasterly along the southern boundary of the existing Lake Borgne Public Oyster Seed Ground to latitude 30° 04' 01.816" north, longitude 89° 30' 22.277" west; thence southerly to latitude 30° 02' 25.177" north, longitude 89° 30' 22.277" west; thence southwesterly to latitude 30° 00' 26.497" north, longitude 89° 34' 05.521" west; thence northwesterly to the point of beginning.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(12) and R.S. 56:434(A).

HISTORICAL NOTE: Promulgated by the Department of Wildlife

and Fisheries, Wildlife and Fisheries Commission, LR 21:707 (July 1995), amended LR 30:\_\_\_\_.

The Secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this notice of intent and the final rule, including but not limited to, the filing of the fiscal and economic impact statement, the filing of the notice of intent and final rule and the preparation of reports and correspondence to other agencies of government.

Interested persons may submit written comments relative to the proposed rule until 4:30 p.m., March 4, 2004 to Mr. Patrick D. Banks, Department of Wildlife and Fisheries, Marine Fisheries Division, Box 98000, Baton Rouge, LA, 70898-9000.

In accordance with Act 1183 of 1999, the Department of Wildlife and Fisheries/Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection with the preceding Notice of Intent: This Notice of Intent will have no impact on the six criteria set out in R.S. 49:972(B).

Bill A. Busbice, Jr.

Chairman



December 30, 2003

Bill A. Busbice, Chairman  
Louisiana Wildlife and Fisheries Commission  
P.O. Box 98000  
Baton Rouge, LA 70898

Dear Mr. Busbice:

This letter is in support of the Lake Borgne Extended Area seed ground proposal that will be considered by the Commission during the January 8, 2003 commission meeting. The Louisiana Oyster task Force voted in support of this action on December 9, 2003.

The Department has estimated that the 2003 oyster resource on the public oyster seed grounds was roughly 1.8 million barrels less than 2002 levels. This shortage of resource is evident as fisherman have oftentimes had difficulty finding enough quality resource to fill orders from the public grounds since those grounds opened in September 2003. Due to this shortage, the oyster industry as a whole has experienced significant economic hardship.

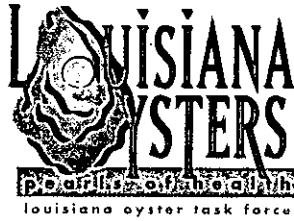
Members of the oyster industry in the Lake Borgne area have expressed a desire to add additional acreage to the Lake Borgne Public Oyster Seed Ground in order to allow for legal harvest of the oyster resource located in these areas. Substantial oyster resources are present and this additional resource would provide increased economic opportunity for the oyster industry. In addition, the current moratorium on the issuance of new oyster leases effectively prohibits the harvest of the available resource by prohibiting the opportunity to obtain leases in this area.

Therefore, we support the proposed Lake Borgne Extended Area seed ground and urge the Commission to pass a motion to add this acreage to the public oyster seed ground system.

Thank you for your consideration of this request. If you would like to discuss this topic further, please do not hesitate to contact me at (985) 868-7191.

Sincerely,

Mike Voisin  
Chairman  
Louisiana Oyster Task Force



December 30, 2003

Bill A. Busbice, Chairman  
Louisiana Wildlife and Fisheries Commission  
P.O. Box 98000  
Baton Rouge, LA 70898

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Sincerely,

Mike Voisin  
Chairman  
Louisiana Oyster Task Force

1600 Canal Street, Suite 210

New Orleans, LA 70112

1.800.222.4017



RESOLUTION

2004 Closure of State Outside Waters to Shrimping  
adopted by the  
Louisiana Wildlife and Fisheries Commission  
January 8, 2004

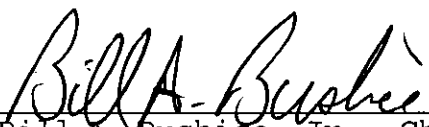
- WHEREAS, R.S. 56:497 provides the open shrimp seasons for all or part of the state waters shall be fixed by the Louisiana Wildlife and Fisheries Commission, and
- WHEREAS, R.S. 56:497 provides the Commission shall have the right to set special seasons for all or part of the state waters, and
- WHEREAS, R.S. 56:497 provides the Commission shall have the authority to open or close outside waters by zone each year as it deems appropriate upon inspection of and based upon technical and biological data which indicates that marketable shrimp, in sufficient quantities, are available for harvest, and
- WHEREAS, R.S. 56:498 provides that the possession count on saltwater white shrimp for each cargo lot shall average no more than 100 (whole specimens) count per pound, except during the time period from October fifteenth through the third Monday in December when there shall be no count, and
- WHEREAS, in state outside waters, water temperatures remain below 15 degrees Centigrade and the growth rate of white shrimp is therefore slow, and
- WHEREAS, current biological sampling conducted by the Department of Wildlife and Fisheries has indicated that white shrimp in a portion of state outside waters average smaller than 100 possession count and additional small white shrimp are expected to recruit to these waters during the remainder of winter and early spring, now
- THEREFORE BE IT RESOLVED, the Wildlife and Fisheries Commission does hereby order a closure to shrimping in that portion of state outside waters, south of the Inside/Outside Shrimp Line as described in R.S. 56:495, from the western shore of Freshwater Bayou Canal at longitude 92° 18' 33" W to the eastern shore of Belle Pass at latitude 29° 05' 07" N and longitude 90° 13' 30" W, at 6 a.m. on Monday, January 12, 2004.

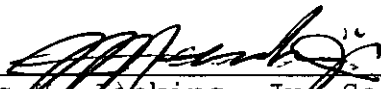


BE IT FURTHER RESOLVED, the Wildlife and Fisheries Commission does hereby authorize the Secretary of the Department of Wildlife and Fisheries to close to shrimping, if necessary to protect small white shrimp, any part of remaining state outside waters, if biological and technical data indicate the need to do so, and to reopen any area closed to shrimping when the closure is no longer necessary.

BE IT FURTHER RESOLVED, the Wildlife and Fisheries Commission does hereby authorize the Secretary of the Department of Wildlife and Fisheries to open special seasons for the harvest of white shrimp in any portion of the State's inside waters where such a season would not detrimentally impact small brown shrimp.

BE IT FURTHER RESOLVED, the Declaration of Emergency closing state outside waters is attached to and made a part of this resolution.

  
\_\_\_\_\_  
Bill A. Busbice, Jr., Chairman  
Wildlife and Fisheries  
Commission

  
\_\_\_\_\_  
James H. Jenkins, Jr., Secretary  
Department of Wildlife and  
Fisheries

## DECLARATION OF EMERGENCY

### Department of Wildlife and Fisheries Wildlife and Fisheries Commission

In accordance with the emergency provisions of R.S. 49:953(B) and R.S. 49:967 of the Administrative Procedure Act which allows the Wildlife and Fisheries Commission to use emergency procedures to set shrimp seasons, and R.S. 56:497 which provides that the Wildlife and Fisheries Commission shall have the authority to open or close state outside waters to shrimping by zone each year as it deems appropriate, the Wildlife and Fisheries Commission hereby orders a closure to shrimping in that portion of state outside waters, south of the Inside/Outside Shrimp Line as described in R.S. 56:495, from the western shore of Freshwater Bayou Canal at longitude 92° 18' 33" W to the eastern shore of Belle Pass at latitude 29° 05' 07" N and longitude 90° 13' 30" W. This closure is effective at 6 a.m., Monday, January 12, 2004.

R.S. 56:498 provides that the possession count on saltwater white shrimp for each cargo lot shall average no more than 100 (whole specimens) count per pound except during the time period from October fifteenth through the third Monday in December. Current biological sampling conducted by the Department of Wildlife and Fisheries has indicated that white shrimp in this portion of state outside waters do not average 100 possession count and additional small white shrimp are expected to recruit to these waters. This action is being taken to protect these small white shrimp and provide them the opportunity to grow to a larger and

more valuable size.

The Wildlife and Fisheries Commission authorizes the Secretary of the Department of Wildlife and Fisheries to close to shrimping, if necessary to protect small white shrimp, any part of remaining state outside waters, if biological and technical data indicate the need to do so, and to reopen any area closed to shrimping when the closure is no longer necessary; and hereby authorizes the Secretary of the Department of Wildlife and Fisheries to open and close special shrimp seasons in any portion of state inside waters where such a season would not detrimentally impact small brown shrimp.

Bill A. Busbice, Jr.

Chairman

## RESOLUTION

### 2004 Closure of State Outside Waters to Shrimping adopted by the Louisiana Wildlife and Fisheries Commission January 8, 2004

- WHEREAS, R.S. 56:497 provides the open shrimp seasons for all or part of the state waters shall be fixed by the Louisiana Wildlife and Fisheries Commission, and
- WHEREAS, R.S. 56:497 provides the Commission shall have the right to set special seasons for all or part of the state waters, and
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BE IT FURTHER RESOLVED, the Declaration of Emergency closing state outside waters is attached to and made a part of this resolution.

---

Bill A. Busbice, Jr., Chairman  
Wildlife and Fisheries  
Commission

---

James H. Jenkins, Jr., Secretary  
Department of Wildlife and  
Fisheries

## DECLARATION OF EMERGENCY

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Bill A. Busbice, Jr.

Chairman

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
May 2004						1
2	3	4	5	6 	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					



Jimmy Jenkins brought great reforms to LDWF

In the excitement and publicity surrounding Governor-elect Blanco's new administration, we should not forget the many accomplishments of the man she is replacing—Mike Foster. In his eight years in office, Mike Foster brought honesty, integrity, dignity and effectiveness to the governor's office.

Foster's many accomplishments would not have been possible without the commitment and support of the excellent men and women he appointed to key positions in his administration. Governor Foster did exactly what a good chief executive officer is supposed to do. He hired good people. He told them what was expected of them. He then stepped back and let them do their jobs.

While many of the department heads in the Foster Administration deserve to be commended, one person stands particularly tall—Jimmy Jenkins. Governor Foster named Jimmy Jenkins as his secretary of the Department of Wildlife and Fisheries with one basic instruction: run this department like you ran your businesses. And, that's exactly what Jenkins proceeded to do for eight years.

In 1996, Jenkins inherited a department that was strongly influenced by special interests and politicians. Management of Louisiana's natural resources and enforcement of our wildlife and fisheries laws often took a back seat to other considerations. Jenkins wasted no time in establishing new priorities for LDWF and he quickly stepped on more than a few toes. Despite outcries from some politicians and special interest groups, Jimmy Jenkins and Mike Foster stood their ground and did not back down.

One of Jenkins' first acts was to reduce the department's fleet of aircraft and automobiles, saving taxpayers millions. He cut down on employee charge accounts and travel, required employees to show up on time and not leave before quitting time, and provided training for employees on how to be courteous and helpful to the public.

The Department of Wildlife and Fisheries has more direct contact with the public than most state agencies and Jenkins worked to ensure that his employees treated citizens with respect. Perhaps taxpayers will remember Jenkins most for putting in place the electronic system that has made buying a hunting or fishing license simple and quick. The new system is not only more efficient for the public, it also saves taxpayers hundreds of thousands of dollars each year and helps the department keep better track of game and fish law violators.

No cost saving measure was too small or too large for Jenkins to go after. He saved taxpayers \$30,000 a year by eliminating 69 telephones and 22 pagers at LDWF. He reduced the top-heavy staff at the department, saving many thousands of dollars more. He went after really big bucks when he hired an auditor to look into mineral payments his department was supposed to be receiving. That move uncovered more than \$3 million that was owed the state.

Jenkins did not need a state job when Foster asked him to serve as secretary of LDWF. At the time Foster called on him, the talented Jenkins was winding down a long career as one of the Baton Rouge area's most successful contractors and developers. By accepting the job, Jenkins exchanged a well-earned, semi-retirement for long grueling workdays and nights at the LDWF.

An avid outdoorsman, Jenkins has been a tireless volunteer for conservation causes. Prior to his state appointment, Jenkins served as president of the Coastal Conservation Association of Louisiana, the state's largest and most prestigious marine conservation organization.

We'd like to tip our hat to Jimmy Jenkins and to let him know that his service to the people of Louisiana is much appreciated. We all owe him a great debt of gratitude for a job well done.

Bravo!

NOTICE OF INTENT

Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission

Spotted Seatrout

The Wildlife and Fisheries Commission does hereby give notice of its intent to amend a Rule, LAC 76:VII.341, modifying the existing rule. Authority for adoption of this Rule is included in R.S. 56:6 (25) (a) and 56:325.1 (A) 2 and (B). Said Rule is attached to and made a part of this Notice of Intent.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishery

§341. Spotted Seatrout Management Measures

E. Recreational Regulations. Except as provided in R.S. 56:325.1, no person shall possess regardless of where taken, more LGH AREA than five (5) spotted seatrout exceeding twenty-five inches (25") total length. The spotted seatrout exceeding twenty-five inches (25") in length shall be considered as part of the daily recreational bag limit and possession limit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(25)(a); R.S. 56:306.5, R.S. 56:306.6, R.S. 56:325.3; R.S. 56:326.3; 56:325.1(A) 2 and (B).

HISTORICAL NOTE: Promulgated by the Department of Wildlife

and Fisheries, Wildlife and Fisheries Commission, LR 18:199 (February 1992), amended LR 22:238 (March 1996), LR 24:360 (February 1998), LR 26:2333 (October 2000), LR 30: .

Interested persons may submit comments relative to the proposed Rule to: Randy Pausina, Marine Fisheries Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000, prior to Thursday, March 4, 2004.

The Secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this notice of intent and the final rule, including but not limited to, the filing of the fiscal and economic impact statements, the filing of the notice of intent and final rule and the preparation of reports and correspondence to other agencies of government.

In accordance with Act#1183 of 1999, the Department of Wildlife and Fisheries/Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection with the preceding Notice of Intent: This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

Bill A. Busbice, Jr.

Chairman

Gabriele Timmenman  
3 Sparrow Lane  
River Ridge, La. 70123

Chairman  
Louisiana Wildlife and Fisheries Commission  
Mr. Terry D. Denmon  
P.O. Box 98 000  
Baton Rouge, La. 70898 - 9000

Dec. 16, 2003

Dear Mr. Denmon,

I strongly object to allow hunting of bobcats  
in state - managed Wildlife Management Areas because  
the bobcat population had only a modest recovery in  
some parts of Louisiana. It is not large enough to  
allow ~~or~~ statewide hunting. Therefore I object to the  
opening of bobcat hunting for 2003-04 under the  
legislative Act 1248.

Sincerely,

Gabriele Timmenman

## MONTHLY CIVIL RESTITUTION REPORT

PERIOD	NO. CASES ASSESSED	AMOUNT ASSESSED	CREDIT FOR SALE GOODS	NO. CASES PAID	AMOUNT PAID	DISCOUNTS TAKEN	PERCENT DOLLARS PAID	PERCENT CASES PAID
FISCAL YEAR 1993-94								
July, 1993	25	\$21,039.00	(\$9,778.00)	29	\$4,855.00	\$2,545.00		
Aug., 1993	53	\$44,922.00	(\$1,137.00)	41	\$7,950.00	\$3,603.00		
Sept., 1993	42	\$137,635.00	(\$17,938.00)	35	\$6,783.00	\$3,048.00		
Oct., 1993	49	\$21,471.00	(\$11,282.00)	40	\$3,285.00	\$1,519.00		
Nov., 1993	57	\$31,207.00	(\$13,260.00)	32	\$3,053.00	\$2,845.00		
Dec., 1993	53	\$13,777.00		27	\$6,507.00	\$6,713.00		
Jan., 1994	38	\$18,918.00		32	\$4,423.00	\$2,831.00		
Feb., 1994	68	\$38,131.00	(\$8,238.00)	46	\$9,124.00	\$5,993.00		
Mar., 1994	38	\$22,739.00	(\$2,482.00)	51	\$10,854.00	\$6,796.00		
April, 1994	14	\$44,732.00	(\$1,404.00)	27	\$7,307.00	\$4,632.00		
May, 1994	10	\$4,504.00	(\$165.00)	7	\$5,447.00	\$3,808.00		
June, 1994	29	\$26,167.00	(\$2,986.00)	12	\$1,886.00	\$1,214.00		
Total FY 1994	476	\$425,242.00	(\$68,670.00)	379	\$71,474.00	\$45,547.00	27.5%	79.6%
FISCAL YEAR 1994-95								
July, 1994	17	\$2,127.00	(\$335.00)	23	\$2,101.00	\$1,437.00		
Aug., 1994	41	\$96,403.00	(\$3,035.00)	20	\$1,010.00	\$605.00		
Sept., 1994	34	\$14,614.00	(\$14,002.00)	26	\$2,596.00	\$2,342.00		
Oct., 1994	94	\$17,426.00	(\$8,677.00)	38	\$2,922.00	\$3,179.00		
Nov., 1994	43	\$103,592.00		45	\$3,992.00	\$2,803.00		
Dec., 1994	68	\$31,400.00		35	\$4,315.00	\$2,329.00		
Jan., 1995	55	\$27,601.00		52	\$7,493.00	\$4,921.00		
Feb., 1995	70	\$61,119.00		41	\$6,472.00	\$3,973.00		
Mar., 1995	31	\$25,072.00		44	\$8,315.00	\$4,737.00		
Apr., 1995	13	\$15,353.00		16	\$3,565.00	\$1,538.00		
May., 1995	23	\$11,632.00		16	\$4,315.00	\$654.00		
June 1995	45	\$31,008.00		18	\$2,630.00	\$1,025.00		
Total FY 1995	534	\$437,347.00	(\$26,049.00)	374	\$49,726.00	\$29,543.00	18.1%	70.0%
FISCAL YEAR 1995-96								
July, 1995	0	\$0.00						
Aug., 1995	46	\$17,425.00		27	\$9,028.00	\$1,729.00		
Sept., 1995	1	\$125.00		21	\$3,093.00	\$2,049.00		
Oct., 1995	122	\$206,244.00		29	\$2,720.00	\$1,161.00		
Nov., 1995	55	\$23,124.00		62	\$10,151.00	\$6,383.00		
Dec., 1995	50	\$18,607.26		32	\$4,780.66	\$2,802.76		
Jan., 1996	49	\$13,814.88	(\$15,296.45)	36	\$5,296.51	\$3,472.89		
Feb., 1996	50	\$14,716.97		38	\$5,777.53	\$3,416.91		
Mar., 1996	33	\$24,936.91		36	\$6,035.12	\$3,421.75		
Apr., 1996	30	\$11,006.66		36	\$7,173.12	\$2,711.54		
May., 1996	23	\$7,989.34		24	\$3,941.69	\$2,020.29		
June 1996	50	\$22,151.31		16	\$2,790.02	\$1,182.23		
Total FY 1996	509	\$360,141.33	(\$15,296.45)	357	\$60,786.65	\$30,350.37	25.3%	70.1%
FISCAL YEAR 1996-97								
July, 1996	40	\$71,894.13		32	\$5,249.93	\$2,947.96		
Aug., 1996	32	\$5,362.64		32	\$6,254.59	\$3,783.69		
Sept., 1996	41	\$7,210.00		29	\$2,259.96	\$1,326.58		
Oct., 1996	29	\$11,092.53		25	\$3,697.89	\$2,261.98		
Nov., 1996	20	\$10,009.10		22	\$1,624.63	\$698.02		
Dec., 1996	13	\$238,466.04		22	\$5,877.18	\$2,121.53		
Jan., 1997	27	\$11,755.22		17	\$4,393.30	\$2,377.09		
Feb., 1997	47	\$18,520.87		42	\$8,579.84	\$5,552.63		
Mar., 1997	26	\$13,434.02		27	\$4,999.59	\$2,757.67		
Apr., 1997	10	\$2,908.87		15	\$2,322.88	\$1,298.66		
May., 1997	20	\$11,682.70		15	\$5,198.91	\$1,399.21		
June 1997	5	\$8,036.58		10	\$2,335.24	\$765.34		
Total FY 1997	310	\$410,372.70	\$0.00	288	\$52,793.94	\$27,290.36	19.5%	92.9%
FISCAL YEAR 1997 - 98								
July, 1997	10	\$2,811.71		8	\$1,584.67	\$823.11		
Aug., 1997	14	\$8,741.30		8	\$1,496.49	\$779.14		
Sept., 1997	29	\$19,926.37		12	\$2,051.78	\$1,278.04		
Oct., 1997	12	\$4,716.81		23	\$3,184.83	\$2,063.89		
Nov., 1997	23	\$54,965.34		10	\$2,424.86	\$1,218.28		
Dec., 1997	25	\$36,881.09		15	\$4,376.97	\$2,775.66		
Jan., 1998	42	\$30,025.81		17	\$5,300.40	\$3,533.66		
Feb., 1998	37	\$31,164.95		29	\$22,961.69	\$8,501.18		
Mar., 1998	9	\$13,273.45		32	\$9,406.56	\$4,371.53		

Apr., 1998	10	\$5,628.21		10	\$2,602.62	\$1,279.77		
May., 1998	0	\$225.00		8	\$2,885.02	\$950.46		
June 1998	5	\$2,414.03		6	\$1,041.54	\$98.00		
Total FY 1998	216	\$210,774.07	\$0.00	178	\$59,317.43	\$27,672.72	41.3%	82.4%
FICAL YEAR 1998 - 99								
July, 1998	9	\$1,390.43		8	\$1,964.20	\$716.75		
Aug., 1998	10	\$2,240.70		10	\$1,048.28	\$372.47		
Sept., 1998	8	\$2,768.96		11	\$2,000.36	\$1,148.23		
Oct., 1998	22	\$28,704.85		14	\$1,860.17	\$807.48		
Nov., 1998	19	\$9,137.79		11	\$1,765.97	\$1,092.43		
Dec., 1998	23	\$11,959.10		27	\$4,441.02	\$2,040.71		
Jan., 1999	41	\$21,179.55		18	\$6,621.63	\$3,838.22		
Feb., 1999	45	\$26,236.24		41	\$12,119.09	\$6,923.61		
Mar., 1999	15	\$7,549.57		33	\$8,281.77	\$4,138.44		
Apr., 1999	9	\$8,013.54		14	\$3,035.82	\$1,388.41		
May., 1999	5	\$5,161.23		5	\$905.50	\$405.00		
June 1999	7	\$3,719.01		13	\$3,011.06	\$533.83		
Total FY 1999	213	\$128,060.97	\$0.00	205	\$47,054.87	\$23,405.58	55.0%	96.2%
FISCAL YEAR 1999-2000								
July, 1999	5	\$1,556.38		9	\$2,287.53	\$1,198.81		
Aug., 1999	10	\$2,510.83		15	\$2,455.38	\$513.73		
Sept., 1999	6	\$2,032.19	\$5,324.80	28	\$3,563.06	\$475.93		
Oct., 1999	11	\$4,452.31	\$567.75	25	\$2,775.48	\$557.41		
Nov., 1999	14	\$8,634.64		26	\$3,250.96	\$1,322.96		
Dec., 1999	24	\$15,891.96		19	\$3,862.76	\$2,126.27		
Jan., 2000	49	\$27,872.14		28	\$7,952.94	\$3,814.02		
Feb., 2000	21	\$11,039.59		30	\$10,159.24	\$6,216.42		
Mar., 2000	19	\$9,873.21		31	\$6,709.07	\$3,555.40		
Apr., 2000	12	\$7,897.70		17	\$2,932.41	\$1,512.54		
May, 2000	7	\$5,039.46	\$293.60	20	\$7,062.23	\$3,164.00		
June, 2000	16	\$14,566.88		18	\$5,766.59	\$1,852.12		
Total FY 2000	194	\$111,367.29	\$6,186.15	266	\$58,777.65	\$26,309.61	76%	137%
FISCAL YEAR 2000-01								
July, 2000	2	\$865.01		14	\$1,948.03	\$154.01		
Aug., 2000	20	\$15,837.60		17	\$3,302.27	\$1,063.92		
Sept., 2000	12	\$3,562.26		23	\$8,718.21	\$1,351.41		
Oct., 2000	18	\$122,696.24		29	\$7,457.98	\$490.16		
Nov. 2000	13	\$15,851.30		22	\$4,038.50	\$309.30		
Dec., 2000	40	\$30,234.92		24	\$7,189.98	\$462.13		
Jan., 2001	28	\$15,923.38		25	\$7,611.66	\$833.60		
Feb., 2001	35	\$20,181.39		30	\$18,568.12	\$1,917.82		
Mar., 2001	8	\$5,956.83		37	\$15,724.02	\$753.86		
Apr., 2001	20	\$24,145.82		22	\$4,856.39	\$225.93		
May 2001	4	\$1,677.36		20	\$3,700.77	\$313.58		
June 2001	3	\$932.20		31	\$8,433.81	\$346.90		
Total FY 2001	203	\$257,864.31	\$0.00	294	\$91,549.74	\$8,222.62	39%	145%
FISCAL YEAR 2001-02								
July, 2001	4	\$4,290.29		25	\$6,328.36	\$293.54		
Aug., 2001	6	\$9,452.69		18	\$2,984.52			
Sept., 2001	0	\$175.00		25	\$4,157.32	\$66.29		
Oct., 2001	15	\$6,439.06		18	\$3,174.66	\$67.32		
Nov., 2001	15	\$5,913.63		24	\$3,932.41	\$194.66		
Dec., 2001	36	\$21,868.88		20	\$5,384.19	\$502.17		
Jan., 2002	56	\$27,650.44		38	\$11,100.99	\$1,008.09		
Feb., 2002	27	\$14,211.31	\$620.55	37	\$20,017.87	\$861.63		
Mar., 2002	8	\$6,765.68		36	\$10,061.89	\$419.16		
Apr., 2002	20	\$11,296.19		19	\$2,196.02	\$49.33		
May, 2002	3	\$30,852.57	\$11,887.80	27	\$8,265.67	\$538.72		
June, 2002	3	\$8,636.08		23	\$3,418.15	\$87.91		
Total FY 2002	193	\$147,551.82	\$12,508.35	310	\$81,022.05	\$4,088.82	58%	161%
FISCAL YEAR 2002-03								
July, 2002	8	\$6,915.26		20	\$3,308.14	\$111.90		
Aug., 2002	12	\$11,943.66		24	\$4,010.98	\$47.33		
Sept., 2002	6	\$1,944.83		19	\$4,624.36	\$85.25		
Oct., 2002	24	\$12,167.99		25	\$7,131.20	\$442.95		
Nov., 2002	21	\$11,013.41		27	\$8,688.51	\$624.99		
Dec., 2002	32	\$15,763.99		23	\$7,660.18	\$689.95		





LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES  
CLASS I ACTIVITY REPORT  
CURRENT MONTH  
12/01/2003-12/31/2003

	# CASES	AMOUNT
FINES	392	\$25,100.00
HEARING COSTS		
DEBITS	562	\$15,875.00
CREDITS	1	\$25.00-
LATE CHARGES		
DEBITS	89	\$957.50
CREDITS	0	\$0.00
		=====
TOTAL DUE		\$41,907.50

=====

PAID IN FULL	329	\$21,782.25-
PARTIAL PAYMENTS	12	\$550.00-
ATTORNEY GENERAL COLLECTIONS	0	\$0.00
ATTORNEY GENERAL FEES	0	\$0.00
DEPT OF REVENUE COLLECTIONS	0	\$0.00
DEPT OF REVENUE FEES	0	\$0.00
WRITE-OFFS	0	\$0.00
OVERPAYMENTS	3	\$71.00
REFUNDS	6	\$187.50
RETURNED CHECKS	1	\$75.00
MISC CHANGES		
DEBITS	1	\$20.00
CREDITS	0	\$0.00
ADJUSTMENTS TO VIOLATION		
DEBITS	1	\$50.00
CREDITS	0	\$0.00
VOIDS	4	\$200.00-
NOT GUILTY	4	\$200.00-
DISMISSED BY ADMIN LAW	1	\$50.00-
DISMISSED BY ENFORCEMENT	0	\$0.00
GUILTY/FINE WAIVED	0	\$0.00
OVERTURNED ON APPEAL	0	\$0.00

LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES  
CLASS I ACTIVITY REPORT  
FISCAL YEAR TO DATE  
07/01/2003-12/31/2003

	# CASES	AMOUNT
FINES	3,821	\$219,940.00
HEARING COSTS		
DEBITS	2,511	\$68,182.50
CREDITS	10	\$475.00-
LATE CHARGES		
DEBITS	799	\$6,760.75
CREDITS	0	\$0.00
		=====
TOTAL DUE		\$294,408.25

=====

PAID IN FULL	3,787	\$230,778.25-
PARTIAL PAYMENTS	106	\$5,708.50-
ATTORNEY GENERAL COLLECTIONS	0	\$0.00
ATTORNEY GENERAL FEES	0	\$0.00
DEPT OF REVENUE COLLECTIONS	2	\$77.00-
DEPT OF REVENUE FEES	2	\$8.00-
WRITE-OFFS	0	\$0.00
OVERPAYMENTS	12	\$175.50
REFUNDS	35	\$940.00
RETURNED CHECKS	5	\$300.00
MISC CHANGES		
DEBITS	5	\$100.00
CREDITS	0	\$0.00
ADJUSTMENTS TO VIOLATION		
DEBITS	6	\$350.00
CREDITS	3	\$100.00-
VOIDS	55	\$2,900.00-
NOT GUILTY	21	\$1,150.00-
DISMISSED BY ADMIN LAW	13	\$900.00-
DISMISSED BY ENFORCEMENT	0	\$0.00
GUILTY/FINE WAIVED	1	\$50.00-
OVERTURNED ON APPEAL	0	\$0.00

LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES  
CLASS I ACTIVITY REPORT  
INCEPTION TO DATE  
12/31/2003PAGE: 3  
DATE: 01/05/2004

	# CASES	AMOUNT
FINES	111,220	\$5,721,542.07
HEARING COSTS		
DEBITS	30,462	\$769,645.30
CREDITS	11	\$11,291.00-
LATE CHARGES		
DEBITS	1,487	\$12,035.25
CREDITS	0	\$0.00
		=====
TOTAL DUE		\$6,491,931.62

=====

PAID IN FULL	67,704	\$3,628,780.74-
PARTIAL PAYMENTS	1,722	\$80,677.25-
ATTORNEY GENERAL COLLECTIONS	14	\$690.00-
ATTORNEY GENERAL FEES	33	\$345.00-
DEPT OF REVENUE COLLECTIONS	28	\$1,745.00-
DEPT OF REVENUE FEES	28	\$112.00-
WRITE-OFFS	11,955	\$697,427.50-
OVERPAYMENTS	194	\$4,206.78
REFUNDS	380	\$16,487.81
RETURNED CHECKS	78	\$4,125.00
MISC CHANGES		
DEBITS	75	\$1,215.00
CREDITS	170	\$141.88-
ADJUSTMENTS TO VIOLATION		
DEBITS	250	\$14,700.00
CREDITS	44	\$2,500.00-
VOIDS	5,681	\$285,900.00-
NOT GUILTY	1,231	\$62,650.00-
DISMISSED BY ADMIN LAW	231	\$12,100.00-
DISMISSED BY ENFORCEMENT	12	\$600.00-
GUILTY/FINE WAIVED	158	\$7,950.00-
OVERTURNED ON APPEAL	0	\$0.00
		=====
TOTAL OUTSTANDING		\$1,751,046.84

## AGING OF OUTSTANDING CASES FROM CITATION DATE

## COLLECTIONS WITH AGENCY:

CURRENT	198	\$12,850.00
1 - 30 DAYS	289	\$18,150.00
31 - 90 DAYS	476	\$29,520.00
91 - 180 DAYS	971	\$73,390.00
181 - 365 DAYS	1,525	\$124,260.00
OVER ONE YEAR	18,358	\$1,292,910.34

## COLLECTIONS WITH DEPT OF REVENUE:

1 - 90 DAYS	0	\$0.00
91 - 180 DAYS	0	\$0.00
181 - 365 DAYS	17	\$1,925.00
OVER ONE YEAR	2,490	\$197,716.50

## AMOUNT UNDER PROTEST:

1 - 180 DAYS	1	\$100.00
181 - 365 DAYS	0	\$0.00
OVER ONE YEAR	3	\$225.00

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** TOTAL AGING	24,328	\$1,751,046.84
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## AGING OF OUTSTANDING CASES FROM HEARING DATE

PREHEARING	885	\$53,900.00
0 - 90 DAYS	1,416	\$106,390.00
91 - 180 DAYS	466	\$40,665.00
181 - 270 DAYS	635	\$50,547.50
271 - 365 DAYS	428	\$42,029.50
OVER ONE YEAR	20,498	\$1,457,514.84

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** TOTAL AGING	24,328	\$1,751,046.84
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LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES  
CIVIL RESTITUTION ACTIVITY REPORT  
CURRENT MONTH  
12/01/2003 TO 12/31/2003

	# CASES	AMOUNT
ORIG RESTITUTION VALUES ENTERED	45	\$22,244.61
HEARING COSTS ASSESSED	0	\$0.00
SALE OF CONFISCATED COMMODS	0	\$0.00
SALES EXCEEDING RESTITUTION	0	\$0.00
=====		
RESTITUTION ASSESSED	45	\$22,244.61
PAYMENTS	19	\$7,708.70-
PAYMENTS AFTER PAST DUE NOTICE	0	\$0.00
PAYMENTS AFTER REVOKED NOTICE	2	\$55.00-
PAYMENTS FROM COLLECTION EFFORT	2	\$1,152.04-
PAYMENTS FROM HRG COST ASSESSED	2	\$50.00-
DISCOUNTS FOR TIMELY PAYMENTS	14	\$702.59-
OVERPAYMENTS	1	\$0.91
REFUND OF OVERPAYMENT	2	\$490.07
APPLIED CONFISCATED COMMODS	0	\$0.00
APPLIED EXCEEDING BALANCE DUE	0	\$0.00
REFUND OF CONFISCATED COMMOD.	0	\$0.00
RETURNED CHECKS	0	\$0.00
MISC. ADJUSTMENTS		
DEBITS	0	\$0.00
CREDITS	0	\$0.00
REASSESSMENTS		
DEBITS	0	\$0.00
CREDITS	0	\$0.00
WRITE-OFFS	0	\$0.00
ASSESSMENTS WITHDRAWN	0	\$0.00
ADJUDICATION ADJUSTMENTS	0	\$0.00
FOUND NOT RESPONSIBLE	0	\$0.00
DISMISSED BY D.A.	0	\$0.00
CASES VOIDED BY ENFORCEMENT	0	\$0.00
OVERTURNED ON APPEAL	0	\$0.00
DISMISSED BY ADMIN LAW	0	\$0.00
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FOOTNOTE:		
FORFEIT OF CONFISCATED COMMODS	0	\$0.00

LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES  
CIVIL RESTITUTION ACTIVITY REPORT  
FISCAL YEAR TO DATE  
07/01/2003 TO 12/31/2003

	# CASES	AMOUNT
ORIG RESTITUTION VALUES ENTERED	109	\$64,801.37
HEARING COSTS ASSESSED	54	\$1,350.00
SALE OF CONFISCATED COMMODS	0	\$0.00
SALES EXCEEDING RESTITUTION	0	\$0.00
=====		
RESTITUTION ASSESSED	109	\$66,151.37
PAYMENTS	79	\$26,461.63-
PAYMENTS AFTER PAST DUE NOTICE	0	\$0.00
PAYMENTS AFTER REVOKED NOTICE	8	\$1,210.73-
PAYMENTS FROM COLLECTION EFFORT	6	\$1,935.70-
PAYMENTS FROM HRG COST ASSESSED	15	\$375.00-
DISCOUNTS FOR TIMELY PAYMENTS	43	\$1,578.83-
OVERPAYMENTS	7	\$2.47
REFUND OF OVERPAYMENT	6	\$554.16
APPLIED CONFISCATED COMMODS	0	\$0.00
APPLIED EXCEEDING BALANCE DUE	0	\$0.00
REFUND OF CONFISCATED COMMOD.	0	\$0.00
RETURNED CHECKS	0	\$0.00
MISC. ADJUSTMENTS		
DEBITS	0	\$0.00
CREDITS	0	\$0.00
REASSESSMENTS		
DEBITS	0	\$0.00
CREDITS	2	\$1,605.00-
WRITE-OFFS	1	\$274.77-
ASSESSMENTS WITHDRAWN	2	\$2,922.61-
ADJUDICATION ADJUSTMENTS	1	\$0.91-
FOUND NOT RESPONSIBLE	2	\$1,049.08-
DISMISSED BY D.A.	0	\$0.00
CASES VOIDED BY ENFORCEMENT	0	\$0.00
OVERTURNED ON APPEAL	0	\$0.00
DISMISSED BY ADMIN LAW	1	\$852.15-

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FOOTNOTE:

FORFEIT OF CONFISCATED COMMODS	0	\$0.00
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LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES  
 CIVIL RESTITUTION ACTIVITY REPORT  
 INCEPTION TO DATE  
 12/31/2003

	# CASES	AMOUNT
ORIG RESTITUTION VALUES ENTERED	4,744	\$3,298,413.97
HEARING COSTS ASSESSED	430	\$11,300.00
SALE OF CONFISCATED COMMODS	331	\$269,865.45-
SALES EXCEEDING RESTITUTION	138	\$58,209.82
=====		
RESTITUTION ASSESSED	4,744	\$3,098,058.34
PAYMENTS	3,204	\$718,769.12-
PAYMENTS AFTER PAST DUE NOTICE	33	\$8,624.04-
PAYMENTS AFTER REVOKED NOTICE	86	\$32,794.55-
PAYMENTS FROM COLLECTION EFFORT	33	\$25,381.92-
PAYMENTS FROM HRG COST ASSESSED	212	\$5,500.00-
DISCOUNTS FOR TIMELY PAYMENTS	2,237	\$263,091.11-
OVERPAYMENTS	135	\$97.68
REFUND OF OVERPAYMENT	70	\$12,392.02
APPLIED CONFISCATED COMMODS	17	\$44,255.65-
APPLIED EXCEEDING BALANCE DUE	5	\$6,780.54
REFUND OF CONFISCATED COMMOD.	8	\$45,896.70
RETURNED CHECKS	1	\$61.75
MISC. ADJUSTMENTS		
DEBITS	3	\$55.00
CREDITS	13	\$10.22-
REASSESSMENTS		
DEBITS	21	\$6,881.15
CREDITS	66	\$38,666.90-
WRITE-OFFS	1,058	\$1,480,878.11-
ASSESSMENTS WITHDRAWN	9	\$4,717.56-
ADJUDICATION ADJUSTMENTS	32	\$21,075.49-
FOUND NOT RESPONSIBLE	93	\$170,105.37-
DISMISSED BY D.A.	1	\$2,134.47-
CASES VOIDED BY ENFORCEMENT	2	\$559.32-
OVERTURNED ON APPEAL	1	\$524.54-
DISMISSED BY ADMIN LAW	1	\$6,890.33-
		=====
** TOTAL OUTSTANDING	296	\$346,244.48

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 FOOTNOTE:

FORFEIT OF CONFISCATED COMMODS	38	\$106,941.70 *
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## AGING OF SALE OF CONFISCATED COMMODITIES

VIOLATION DATE UNKNOWN	0	\$0.00
1 - 30 DAYS	0	\$0.00
31 - 60 DAYS	4	\$8,430.35
61 - 90 DAYS	4	\$1,772.66
91 - 120 DAYS	14	\$24,431.64
121 - 150 DAYS	12	\$3,328.44
151 - 180 DAYS	12	\$5,161.30
181 - 365 DAYS	28	\$22,314.25
OVER ONE YEAR	60	\$55,074.08
OVER TWO YEARS	104	\$97,913.32
OVER THREE YEARS	977	\$681,520.99

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** TOTAL AGING	1,215	\$899,947.03
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## AGING OF OUTSTANDING CASES

## COLLECTIONS WITH AGENCY:

CAN NOT BE INVOICED	21	\$9,998.87
CURRENT	17	\$8,573.96
1 - 30 DAYS	8	\$3,881.78
31 - 90 DAYS	12	\$20,474.07
91 - 180 DAYS	12	\$6,243.24
181 - 365 DAYS	42	\$25,412.92
OVER ONE YEAR	91	\$103,299.96

## COLLECTIONS WITH PRIVATE COLLECTIONS FIRM:

1 - 90 DAYS	0	\$0.00
91 - 180 DAYS	0	\$0.00
181 - 365 DAYS	0	\$0.00
OVER ONE YEAR	89	\$85,550.52

## AMOUNT UNDER PROTEST:

1 - 180 DAYS	0	\$0.00
181 - 365 DAYS	1	\$549.54
OVER ONE YEAR	3	\$82,259.62

=====

** TOTAL AGING	296	\$346,244.48
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# Louisiana Department of Wildlife and Fisheries

# NEWS RELEASE

**James H. Jenkins Jr.**  
**Secretary**

2003-370



**CONTACT**  
**225/765-2925**

12/30/03

## **AGENDA FOR L.W.F.C. MEETING RELEASED**

The next regular public board meeting has been scheduled by the Louisiana Wildlife and Fisheries Commission for 10:00 a.m. on Thursday, January 8. The meeting will be held at the Wildlife and Fisheries Building, located at 2000 Quail Drive in Baton Rouge. The agenda for the meeting will be as follows:

1. Roll Call
2. Approval of Minutes of December 4, 2003
3. Commission Special Announcements
4. Enforcement & Aviation Reports/December
5. Notice of Intent - Spotted Seatrout Regulations - Recreational Size and Bag Limit
6. Declaration of Emergency - Red Snapper Recreational Season
7. Declaration of Emergency - Red Snapper Commercial Season
8. Declaration of Emergency - King Mackerel Commercial Season
9. Declaration of Emergency and Notice of Intent - Designation of Additional Lake Borgne Public Oyster Seed Grounds
10. Consideration of Offshore Territorial Sea Shrimp Closure
11. Set May 2004 Meeting Date
12. Public Comments
13. Adjournment

**EDITORS:** *For more information, contact Thomas Gresham at 225/765-2923 (gresham\_tp@wlf.state.la.us).*



# State of Louisiana



James H. Jenkins, Jr.  
Secretary

Department of Wildlife & Fisheries  
Post Office Box 98000  
Baton Rouge, LA 70898-9000  
(225) 765-2800  
December 29, 2003

M.J. "Mike" Foster, Jr.  
Governor

## MEMORANDUM

TO: Chairman and Members of Commission  
FROM: James H. Jenkins, Jr., Secretary  
SUBJECT: January Commission Meeting Agenda

The next regular Commission meeting will be held at 10:00 A.M. on Thursday, January 8, 2004, in the Louisiana Room at the Wildlife and Fisheries Building, 2000 Quail Drive, Baton Rouge, LA.

The following items will be discussed:

1. Roll Call
2. Approval of Minutes of December 4, 2003
3. Commission Special Announcements

## WINTON VIDRINE

4. Enforcement & Aviation Reports/December

## OFFICE OF WILDLIFE

(None)

## OFFICE OF FISHERIES

5. Notice of Intent - Spotted Seatrout Regulations - Recreational Size and Bag Limit
6. Declaration of Emergency - Red Snapper Recreational Season

Page 2  
Commission Meeting  
December 29, 2003

7. Declaration of Emergency - Red Snapper Commercial Season
8. Declaration of Emergency - King Mackerel Commercial Season
9. Declaration of Emergency and Notice of Intent - Designation of Additional Lake Borgne Public Oyster Seed Grounds
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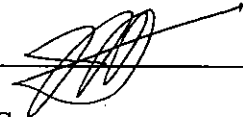
JHJ:sch

cc: Jim Patton  
Phil Bowman  
John Roussel  
Don Puckett  
Dennis Kropog  
Ewell Smith  
Division Administrators  
Marianne Burke

December 29, 2003

NEWS RELEASE

APPROVED: \_\_\_\_\_

A handwritten signature in dark ink, consisting of stylized, overlapping loops and a long horizontal stroke extending to the right, positioned over the line following the word 'APPROVED:'.

AGENDA FOR COMMISSION MEETING

The next regular public board meeting has been scheduled by the Commission for 10:00 A.M. on Thursday, January 8, 2004, at the Wildlife and Fisheries Building, 2000 Quail Drive, Baton Rouge, LA.

1. Roll Call
2. Approval of Minutes of December 4, 2003
3. Commission Special Announcements
4. Enforcement & Aviation Reports/December
5. Notice of Intent - Spotted Seatrout Regulations - Recreational Size and Bag Limit
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11. Set May 2004 Meeting Date
12. Public Comments
13. Adjournment

*Received verbal approval  
from Mr. Sagrera*

C O V E R



FAX

**To:** Wayne Sagrera

**Fax #:** 337-893-7703

**Subject:** Agenda

**Date:** December 29, 2003

**Pages:** 3, including this cover sheet.

COMMENTS:

Please let me know if the attached agenda is okay. You can either call or fax back your response.  
Thanks and have a Happy New Year!

From the desk of...

Susan Hawkins

La. Dept. Of Wildlife & Fisheries  
P. O. Box 98000  
Baton Rouge, LA 70898-9000

225-765-2806  
Fax: 225-765-0948

, 2003

MEMORANDUM

TO: Chairman and Members of Commission  
FROM: James H. Jenkins, Jr., Secretary  
SUBJECT: January Commission Meeting Agenda

The next regular Commission meeting will be held at 10:00 A.M. on Thursday, January 8, 2004, in the Louisiana Room at the Wildlife and Fisheries Building, 2000 Quail Drive, Baton Rouge, LA.

The following items will be discussed:

1. Roll Call
2. Approval of Minutes of December 4, 2003
3. Commission Special Announcements

WINTON VIDRINE

- . Enforcement & Aviation Reports/December

OFFICE OF WILDLIFE

(None)

OFFICE OF FISHERIES

. Notice of Intent - Spotted Seatrout Regulations -  
Recreational Size and Bag Limit

. Declaration of Emergency - Red Snapper Recreational  
Season

Page 2  
Commission Meeting  
, 2003

- . Declaration of Emergency - Red Snapper Commercial Season
- . Declaration of Emergency - King Mackerel Commercial Season
- . Declaration of Emergency and Notice of Intent - Designation of Additional Lake Borgne Public Oyster Seed Grounds
- . Consideration of Offshore Territorial Sea Shrimp Closure
- . Set May 2004 Meeting Date
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JHJ:sch

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Phil Bowman  
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Dennis Kropog  
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Division Administrators  
Marianne Burke



# State of Louisiana



James H. Jenkins, Jr.  
Secretary

Department of Wildlife & Fisheries  
Post Office Box 98000  
Baton Rouge, LA 70898-9000  
(225) 765-2800  
December 2, 2003

M.J. "Mike" Foster, Jr.  
Governor

## MEMORANDUM

TO: Undersecretary, Assistant Secretary-Office of Wildlife  
and Assistant Secretary-Office of Fisheries

FROM: James H. Jenkins, Jr., Secretary

SUBJECT: Commission Meeting Agenda - January 8, 2004

Please write on the bottom of this memo and return to Susan Hawkins by Thursday, December 18th any agenda items your office may have for the Thursday, January 8th Commission Meeting to be held in Baton Rouge, Louisiana, at the Wildlife and Fisheries Building, 2000 Quail Drive. This meeting will begin at 10:00 a.m. on January 8th. If you do not have anything for the agenda, please return memo and indicate so on the bottom of this memo. We cannot add anything to the agenda that requires commission action after we have published the agenda in the state journal.

Resolutions and Notices of Intent should be included with the list of items to be placed on the agenda. Thank you for your cooperation!

JHJ/sch

cc: Commissioners  
Don Puckett  
Winton Vidrine  
Tommy Prickett  
Bennie Fontenot ✓  
Karen Foote  
Wynnette Kees  
Brandt Savoie  
Ewell Smith  
Marianne Burke

*Susan,*  
*I have no inland*  
*Fish Division item for the*  
*Agenda. Thank you*

*Bennie*

*C. John Rousset*

# State of Louisiana



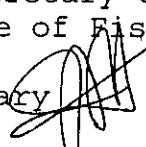
James H. Jenkins, Jr.  
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# State of Louisiana



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## MEMORANDUM

TO: Undersecretary, Assistant Secretary-Office of Wildlife  
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FROM: James H. Jenkins, Jr., Secretary *[Signature]*

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Karen Foote  
Wynnette Kees  
Brandt Savoie  
Ewell Smith  
Marianne Burke ✓

*Nothing for Public Information  
the Secretary*

## Hawkins, Susan

---

**From:** Roussel, John E  
**Sent:** Tuesday, December 16, 2003 8:42 AM  
**To:** Foote, Karen  
**Cc:** Hawkins, Susan; Porch, Pat; Banks, Patrick; Pausina, Randy; Bourgeois, Martin; Harbison, Michael; Shepard, Joey; McDonald, Vaughan; Hanifen, Jim  
**Subject:** RE: January 2004 Commission meeting agenda

OK

-----Original Message-----

**From:** Foote, Karen  
**Sent:** Tuesday, December 16, 2003 8:15 AM  
**To:** Roussel, John E  
**Cc:** Hawkins, Susan; Porch, Pat; Banks, Patrick; Pausina, Randy; Bourgeois, Martin; Harbison, Michael; Shepard, Joey; McDonald, Vaughan; Hanifen, Jim  
**Subject:** January 2004 Commission meeting agenda

If you approve, here are the agenda items that I am currently aware of for January 2004:

Notice of Intent- Spotted Seatrout Regulations - Recreational Size and Bag Limit - Henry Mouton

Declaration of Emergency - Red Snapper Recreational Season- Randy Pausina

Declaration of Emergency - Red Snapper Commercial Season- Randy Pausina

Declaration of Emergency - King Mackerel Commercial Season- Randy Pausina

Declaration of Emergency and Notice of Intent- Designation of Additional Lake Borgne Public Oyster Seed Grounds - Patrick Banks

Consideration of Offshore Territorial Sea Shrimp Closure- Martin Bourgeois

# State of Louisiana



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Bennie Fontenot  
Karen Foote  
Wynnette Kees  
Brandt Savoie ✓  
Ewell Smith  
Marianne Burke

None  
Brandt

# State of Louisiana



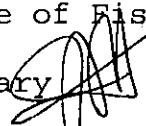
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